

f. Trafficking in Persons.—The law does not prohibit such trafficking, although traffickers are prosecuted under other statutes. Women are trafficked to the country for forced prostitution. In 1999 the Government initiated six court cases against individuals involved in trafficking. The 11 cases prosecuted in 1998–99 resulted in 6 convictions. All of the accused traffickers are Swedish residents with family and personal ties to Central and Eastern Europe and the Middle East. The affected women in these cases, numbering 200 to 500 per year, came principally from Central Europe, the Baltic states, and Russia. The women typically are recruited in their own countries to come and work as cleaners, babysitters, or similar employment. Some reportedly were “purchased” from other traffickers and brought into Sweden. A 1998 baseline report stated that considerable additional information available to the police suggests that the problem of trafficking is more widespread than the few prosecutions indicate.

The Government and the EU provided funds to the Foundation of Women’s Forums to combat trafficking in women in the Nordic and Baltic nations by creating interactive networks that link NGO’s and research institutions that deal with prevention and the rehabilitation of trafficked women.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the Federal Council, the highest executive body, whose presidency rotates annually. Because of the nation’s linguistic and religious diversity, the Swiss political system emphasizes local and national political consensus and grants considerable autonomy to individual cantons. Voters approved a new Constitution in April 1999 that came into force on January 1, 2000. The judiciary is independent.

The armed forces are a civilian-controlled militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties are primarily a responsibility of the individual cantons, which have their own police forces that are kept under effective control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. There were allegations of occasional abuses by police.

Switzerland has a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living is very high.

The Government generally respects human rights, and the law and judiciary provide effective means of dealing with individual instances of abuse. There continue to be allegations by nongovernmental organizations (NGO’s) of occasional police harassment directed against foreigners, particularly asylum seekers, including arbitrary detention. Violence against women is a problem, and the Government is continuing to take serious steps to address it. Trafficking in women for forced prostitution increased. Some laws still tend to discriminate against women. There continue to be reports of verbal abuse against foreigners by private citizens.

The new Constitution approved by voters in 1999 provides for new protection for citizens’ rights, including the principle of equal opportunity for the disabled and the right to strike.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

Human rights groups strongly criticized police for the death of 27-year-old Palestinian Khaled Abuzarifeh, who died at Zurich-Kloten airport while being forcibly deported in March 1999. In January Zurich cantonal authorities announced that forensic tests showed that Abuzarifeh died of suffocation. For deportation he was strapped into a wheelchair and adhesive tape was placed over his mouth to prevent him from shouting. According to airport police, such restraints were permitted because Abuzarifeh’s physical resistance thwarted a first deportation attempt. Cantonal authorities claim no longer to be using adhesive tape to cover the mouth during deportations. In connection with Abuzarifeh’s death, three police officers and a doctor were placed under formal investigation of charges of manslaughter by culpable negligence.

Fulgence Niyonteze, the former mayor of the Rwandan town of Mushubati, sought asylum in Switzerland in 1994 and was arrested in 1996. In May 1999, a military

court convicted him of crimes committed during the 1994 genocide, including murder (taking part in the massacre of Tutsis), attempted murder, incitement to murder, and war crimes. He was sentenced to life imprisonment. Niyonteze was tried by a military tribunal because Swiss law stipulates that alleged war crimes and violations of the Geneva Conventions be tried by a military tribunal.

On May 26, 2000, a military appeal court heard Niyonteze's appeal of his sentence of life imprisonment. The court found Niyonteze guilty of war crimes and violations of the Geneva Conventions but dropped the first charges of murder and incitement to murder and declared that a military tribunal had no authority to try such offenses when committed abroad by a civilian. The military appeal court sentenced Niyonteze to 14 years in prison. Both the public prosecutor and Niyonteze filed appeals of the sentence.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution proscribes such practices, and there were no reports of violations. There were allegations by NGO's and some individuals of occasional police harassment of foreigners, particularly asylum seekers (see Section 2.d.).

Brazilian national Luis Felipe Lourenco was arrested in 1998 in Geneva on charges of theft of a credit card. A prison guard allegedly beat him while he was in custody. Prison authorities reportedly waited 2 hours before transporting Lourenco to the hospital, where he was diagnosed with a perforated lung and damage to his spinal cord. Lourenco is paralyzed in all his limbs as result of the injuries that he claims to have suffered while detained. The prison administration maintained that Lourenco's injuries were incurred when he threw himself against a door.

On August 28, a Geneva magistrate decided not to indict the guard for negligence causing bodily harm, as Lourenco had demanded, on the grounds that there was insufficient evidence for criminal charges. The magistrate based the decision primarily on the results of a medical study of Lourenco's injuries but also took into consideration the guard's previously unblemished record. In their report, the three medical experts consulted by the magistrate stated that they failed to establish the truth with certainty, but that they deemed the guard's version of events, that Lourenco's injuries were self-inflicted, more plausible. In October Lourenco's lawyers filed an appeal of the magistrate's decision with the Geneva Criminal Court.

No new developments occurred in the case of Clement Nwankwo, a Nigerian human rights monitor who accused the Geneva police of mistreatment during his arrest in 1997. Having exhausted domestic remedies unsuccessfully, Nwankwo is appealing his case to the European Court of Human Rights. NGO's believe that the Nwankwo case underscores overall problems with police treatment of foreigners, especially asylum seekers in Geneva and perhaps elsewhere. Their concern was echoed in a 1997 report by the U.N. Committee Against Torture, which expressed concern about "frequent allegations of ill-treatment" inflicted in the course of arrests and police custody. The report also noted a lack of independent mechanisms in the cantons to provide certain legal protections such as the possibility, "especially for foreigners," to contact their family or a lawyer in case of arrest and to be examined by an independent doctor on entering police custody, after each interrogation, and before being brought before an investigating magistrate or being released. Responding to these concerns, in 1998 a team of experts appointed by the Federal Office of Justice presented a preliminary study identifying possible characteristics of a future federal-level code of penal procedures that would replace the cantonal codes. The study recommends granting fundamental protections to detainees in police custody, including the introduction of a legal right to inform relatives or third parties of their arrest. However, the committee did not recommend a provision for access to a lawyer from the time of arrest.

Prison conditions meet minimum international standards, although some NGO's complain of prison overcrowding. The Government has taken measures to improve prison conditions and address overcrowding. The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The legal prohibitions on arbitrary arrest and detention generally are respected at all levels of government. The cantons are responsible for handling most criminal matters, and procedures vary somewhat from canton to canton. In general a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate. However, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. Some NGO's alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.). A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney by the time an arrest warrant is issued. The State provides free legal assistance for indigents who may be jailed pending trial. Investigations are generally prompt, even if in some

cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. During the year, about onethird of all prisoners were in pretrial detention, and the average length of such detention was 52 days.

The law prohibits forced exile, and the Government does not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

All courts of first instance are local or cantonal courts. Citizens have the right to appeal, ultimately to the Federal Court.

Minor cases are tried by a single judge, difficult cases by a panel of judges, and murder (or other serious cases) by a public jury. Trials usually are held expeditiously. The Constitution provides for public trials in which the defendant's rights are fully respected, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Cantonal laws regulate police entry into private premises. These regulations differ widely from canton to canton, but all prohibit such practices without a warrant. All government authorities respect these provisions, and violations are subject to effective legal sanction.

Instances of forced sterilization of women resurfaced in public debate during the year. In 1981 the Swiss Academy for Medical Science decided that forced sterilization is not permissible if a person is incapable of understanding the consequences. This guideline is undergoing revision because of what the Academy calls a changed social understanding of the sexuality of the mentally disabled. Although no data indicates that more pregnancies occur when disabled women and men live together in homes, the Academy considers its guideline outdated. Draft legislation to revise the Academy's position is in parliamentary consultation. The draft would permit forced sterilization in cases when no other form of contraception is usable.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. The authorities legally may restrict these freedoms for groups deemed to be a threat to the State, but no groups were restricted during the year. In addition an article of the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

Parliamentary immunity protects parliamentarians from prosecution for acts that relate to their government position. However, following a 1998 incident in which a national councilor, Rudolf Keller, made anti-Semitic remarks and could not be prosecuted because Parliament refused to lift his immunity, the upper house of Parliament voted in 1999 for its partial abolishment. However, the National Council, the lower house of Parliament, rejected the legislative proposal twice, the second time in October, thus preserving the existing rules.

The nationwide broadcast media are government funded but possess editorial autonomy. Private and foreign broadcast media operate freely.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion.—The Constitution provides for complete freedom of religion, and the Government generally respects this right in practice. There is no single state church, but all cantons support at least one of the three traditional denominations—Roman Catholic, Old Catholic, or Protestant—with public funds. In all cantons, an individual may choose not to contribute to church funding. However, in some cantons, private companies are unable to avoid payment of the church tax. A religious organization must register with the Government in order to receive tax-exempt status. There have been no reports of a religious group applying for the "church taxation" status that the traditional three denominations enjoy.

Foreign missionaries must obtain a "religious worker" visa to work in the country. Requirements include proof that the foreigner would not displace a citizen from doing the job, that the foreigner would be financially supported by the host organization, and that the country of origin of religious workers also grants visas to Swiss religious workers.

Religion is taught in public schools. The doctrine presented depends on which religion predominates in the particular canton. However, those of different faiths are

free to attend classes for their own creeds during the designated class period. Atheists also may be excused from the classes. Parents also may send their children to private (parochial) schools or teach their children at home.

In July 1999, the Business Review Commission of the National Assembly issued a report entitled "Sects or Assimilative Movements in Switzerland," containing recommendations to the Government on the need for state involvement and the creation of national policy. The Commission recommended that the Government formulate a "sect" policy and coordinate the cooperation of researchers and informational and counseling committees. In June 2000, the Government rejected the Business Review Commission's recommendation to formulate a national sect policy. The Government stated that such a policy would conflict with the constitutional right to freedom of religious beliefs. The Government also opposed the creation of a National Information and Counseling Center pointing out that religious matters fall under the jurisdiction of the cantons.

In 1998 the city of Basel passed a law banning aggressive tactics for handing out flyers. This action was prompted by complaints about Scientologists' methods. In June 1999, Scientology lost a bid in the country's highest court to overturn a municipal law that barred persons from being approached on the street by those using "deceptive or dishonest methods." The Court ruled that a 1998 Basel law, prompted by efforts to curb Scientology, involved an intervention in religious freedom but did not infringe on it.

The city of Buchs, St. Gallen, also passed a law modeled on the Basel law. However, it is still legal to proselytize in nonintrusive ways, such as public speaking on the street or by going door-to-door in neighborhoods.

In Zurich in June 1995 Scientologists appealed a city decision that prohibited them from distributing flyers on public property. In September 1999, a higher court decided that the Scientologists' activities were commercial and not religious, and that the city should grant them and other commercial enterprises such as fast food restaurants more freedom to distribute flyers on a permit basis. Fearing a heavy administrative and enforcement workload, the city appealed to the Supreme Court. The Supreme Court decision rejected the appeal in June 2000, reinforcing the decision by the previous court that the Scientologists' activities were commercial in nature. The Supreme Court decision is expected to establish a nationwide legal guideline on the issue.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Under the Constitution and the law, citizens are free to travel in or outside the country, to emigrate, and to repatriate. Non-Swiss convicted of crimes may receive sentences that include denial of reentry for a specific period following the completion of a prison sentence.

Switzerland traditionally has been a haven for refugees, but public concern over the high number of asylum seekers entering the country in the wake of the Kosovo conflict generated domestic political pressure on the Government in 1999 to tighten its policy regarding their acceptance. The Government granted temporary asylum to approximately 63,000 Kosovars seeking refuge from the armed conflict. Following the end of hostilities and the deployment of the international protection force, the Federal Council in August 1999 deemed a return of refugees to Kosovo justifiable and ended its policy of granting temporary asylum collectively.

The Government initially offered material and financial aid to refugees leaving the country voluntarily. Some 32,000 Kosovars accepted this offer, which ended in May. Since June the Government proceeded with forced repatriations, expelling by the end of August some 4,300 Kosovars—178 of them on special flights in police custody. In May the Federal Government granted a delay in departure dates in some 4,000 cases that involved individual hardship (families with children in school, members of ethnic minorities, the elderly, the sick, single mothers, and pregnant women). In December approximately 1,500 Kosovars with expired temporary residence permits remained in the country. In coordination with the U.N. Mission in Kosovo, the Government agreed to slow the flow of repatriations in December and in January 2001.

In August the umbrella organization of refugee aid NGO's criticized the Federal Government for some forced repatriations of Kosovo refugees that they termed excessively harsh and inhumane. Another human rights group, Eyes Open, criticized Zurich cantonal police practices in the compulsory repatriations of failed asylum seekers (see Section 1.c.). The group noted that the excessive use of hand and leg restraints in the return of Congolese asylum seekers in August gave the impression that they were criminals.

The 1999 asylum law provides for the collective admission of victims of violence and authorizes the Federal Council to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time,

the law is designed to curtail the misuse of asylum regulations and to enable the more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who cannot credibly justify not having identity papers. In such a case the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGO's contend that such a short time span does not constitute an effective remedy and therefore violates the European Convention on Human Rights.

Some human rights NGO's have charged the authorities with abuses in connection with the implementation of a 1995 amendment to the Law on Foreigners. The amendment is aimed at asylum seekers or foreigners who live illegally in the country and who are suspected of disturbing the public order or avoiding repatriation. In particular these groups have alleged instances of abuse by police, including arbitrary detention as well as denial of access to established asylum procedures at the country's two main airports. They also charge that police officers use the law to detain or harass asylum seekers who were not suspected of having disturbed public order. Under the law, police actions are subject to judicial oversight, and the Federal Court overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. While NGO's claim that the situation with regard to arbitrary detention has improved, they contend that the denial of access to asylum procedures at the two airports is increasing.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The Federal Office for Refugees estimated that in August the total number of asylum applicants and temporary residents living in the country was 143,000. (This included recognized refugees, persons granted temporary asylum, as well as those who either have a first asylum application pending, appealed against a rejection, or were currently awaiting repatriation.) A year earlier, in the aftermath of the Kosovo war, the figure stood at 182,000. Some 11,000 new applications for asylum were submitted by the end of August, 72 percent less than during the same period last year. Refugees whose applications are rejected are allowed to stay temporarily, if their home country is experiencing war or insurrection. The Government denies having forced persons to return to countries where they have a well-founded fear of persecution and insists that each case is examined carefully. However, NGO's including the well-known Eyes Open organization have accused the Government of sometimes expelling rejected asylum seekers even though conditions in their native country remain unfavorable.

In December the independent commission of experts under Professor Bergier published a supplement to its 1999 report. The commission found that the Government systematically expelled Roma (Gypsies) or turned them away at the border during much of the 20th century, including during World War II. Thus Switzerland refused asylum to Roma who faced persecution in Nazi-occupied territory. The commission report does not indicate the number of rejected applicants. In response to the Bergier report, the Government expressed to the Roma communities its deep regret over its policy prior to, during, and after World War II. In its statement the Government mentioned the foundation of "A Future for Swiss Itinerants," a fund that it established in 1997 and endowed with \$600,000 (1 million Swiss francs) to improve living conditions for Roma.

In the same statement, the Government referred to its earlier statement following issuance of the Bergier commission report in December 1999, in which the Government apologized for its asylum policy during World War II, when thousands of Jewish refugees were refused entry to the country (see Section 5).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully (at local, cantonal, and federal levels), and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In addition initiative and referendum procedures provide unusually intense popular involvement in the legislative process. In April 1999 voters approved a new Constitution.

Women remain underrepresented in government and politics. They were disenfranchised until 1971 at the federal level, but since then their participation in politics has continued to expand. In 1999 Ruth Dreifuss served as the first female President. Women occupy 55 of the 246 seats in the Parliament, 2 of 7 seats in the Federal Council (Cabinet), roughly one-fourth of the seats in the cantonal government executive bodies, and one-fifth of the seats in the communal executives. In

1999 the electorate overwhelmingly rejected a popular initiative to mandate equal gender representation in all federal institutions by a ratio of four to one.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large number of international and domestic human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and generally responsive to their views.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and laws prohibit discrimination on the basis of race, sex, religion, language, or social status. The Government generally enforces these prohibitions effectively, although some laws tend to discriminate against women. The new Constitution includes provisions for equal rights for the disabled and for minorities.

Women.—Violence against women is a problem. According to a 1997 government-funded study on domestic violence, one-fifth of all women suffer at least once in their lifetimes from physical or sexual violence, and about 40 percent suffer from psychological or verbal abuse. Another 1998 study estimates that over 100,000 cases of domestic violence occur each year.

The law prohibits wife beating and similar offenses. Spousal rape is a crime in the Penal Code. Victims of domestic violence can obtain help, counseling, and legal assistance from specialized agencies or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. Police have specially trained units to deal with violence against women, and victims legally are entitled to be heard exclusively by female police officers and judges. A total of 732 women and 722 children took refuge in 14 women's shelters across the country during 1999. Those in charge of the shelters estimate that nearly as many were denied access due to a lack of space and limited funding.

The difficulty in gathering information about the number of prosecuted, convicted, or punished spouse abusers stems in part from the fact that legal cases are handled by each canton and data are often not up-to-date. According to 1998 police criminal statistics, 314 men were investigated for rape offenses, and 84 were sentenced.

The Federation of Women's Organizations and numerous other women's NGO's have heightened public awareness of the problem of violence against women. In 1998 two government-supported women's organizations that fight for equal gender rights jointly conducted the first national campaign against violence in relationships. This campaign received extensive media coverage.

Prostitution is legal; however, working by foreigners without a valid permit is illegal. The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women is a problem (see Sections 6.c. and 6.f.).

Although the new Constitution prohibits all types of discrimination, and a 1981 amendment provides for equal rights, equal treatment, and equivalent wages for men and women, some laws still tend to discriminate against women. A 1988 federal marriage law provides that in the event of a divorce, assets accumulated during the marriage will be divided equally. However, the Supreme Court ruled that the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man is the primary wage earner in most marriages, when the income is too low to support both parties, it is usually the wife (and children) who are forced to survive on public assistance. Statistics from 1999 show that nearly 70 percent of women who did not work outside the home while married fell below the poverty line immediately after a divorce. Although mandated by a constitutional amendment in 1945, no federal law on maternity insurance exists.

Immigrant women married to a Swiss husband (or immigrants with long-term residence permits), who have lived in Switzerland for less than 3 to 5 years from date of marriage (length depends on country of origin, education, and income level), cannot divorce their husbands without the risk of having to leave the country. Their purpose for being in Switzerland officially is registered as "stay with spouse" until they receive their own long-term residency permits, and they are in danger of losing permission to remain if they divorce. NGO's argue that this prevents women with problems from being able to seek help—or leave their husbands—without serious consequences.

A 1996 law includes a general prohibition on gender-based discrimination and incorporates the principle of "equal wages for equal work." The law also includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment.

The Federal Office for Equal Opportunities for Men and Women and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. In 1999 a federal level interdepartmental working group issued an action plan that outlined strategic goals and measures to improve the situation of women. These include measures in the areas of education, health, violence against women, the workplace, human rights, the media, and the environment. For example, the plan calls for financial support for child care facilities at colleges and universities to enable a larger number of women to obtain a higher education; continued education and support for specialists in the area of addiction prevention for women; and ongoing analysis and data collection on the issue of wage differences between men and women. The working group that issued the plan in 1999 is scheduled to reconvene in January 2001 to draft a report to Parliament due in 2002 on federal implementation of the action plan.

On average women earn 20 to 30 percent less than men. A June study found that discriminatory behavior by employers accounts for 60 percent of the overall wage gap between men and women. Women also are promoted less often than men. Individual cases of denial of equal pay for equal work are subject to the 1996 law. In 1998, the most recent year for which data are available, 26.3 percent of women between the ages of 15 and 61 were not in the work force; of those in the work force 50.5 percent worked full time. Women hold 83 percent of all part-time jobs.

The issue of pre-1970's forced sterilization of some women resurfaced in the media this year, when the Swiss Academy for Medical Science decided to review its guidelines for the practice (see Section 1.f.).

The law prohibits women from working during the 8 weeks after the birth of a child. Further measures also protect pregnant and breast-feeding women. For example, pregnant women are not allowed to work night shifts during the 8 weeks prior to giving birth. The law does not provide for compensation; however, 72 percent of working women have negotiated maternity benefits with their employers. In June 1999 voters rejected a government proposal in a referendum for 14 weeks of paid maternity leave at 80 percent pay for working women. The plan would also have given low-income new mothers a one time premium. (The Parliament had passed draft legislation in December 1998 that provided for the maternity benefits mandated by the Constitution in 1945.) It was the third time that a maternity benefits scheme had been rejected in a popular referendum in 15 years. Hundreds demonstrated to protest the vote, and a new proposal appeared in the National Council in July 2000. In alignment with the European Union, it again called for 14 weeks of paid maternity leave and asked employers for full pay during the first 8 weeks as is consistent with the law prohibiting women from working in the first 8 weeks after birth. The new proposal leaves out the subsidy for nonworking mothers. The Council of States, the upper house of Parliament, followed the lead of the National Council in December, and obliged the Federal Government to work out a new maternity benefits scheme along the lines of the July 2000 proposal. Meantime, women in Geneva Canton will have paid maternity leave beginning in July 2001; on December 14 the cantonal parliament passed legislation providing for a 16-week leave following delivery at 80 percent of salary for all women who previously worked in the canton for a minimum of 3 months. However, the law is still subject to federal approval.

Children.—Despite the fact that the Government has no special program for children and that there is no special governmental office for children's matters, the Government demonstrates its strong commitment to children's rights and welfare through a well-funded public education system and need-based subsidies of health insurance. Schooling is free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offer a 10th school year. The Government subsidizes the health insurance premiums of low-income families.

The federal and cantonal governments, as well as about 80 NGO's that defend children's rights, have devoted considerable attention in recent years to child abuse, especially sexual abuse. For convicted perpetrators of the latter, the law provides for imprisonment of up to 15 years. In 1997 amendments to the Federal Penal Code came into effect that provide for an increase in the statute of limitations in cases of child abuse from 5 to 10 years. In severe cases of sexual abuse, the statute is to begin to take effect only when the victim turns 18. There is no societal pattern of abuse of children.

To combat child pornography on the Internet, the Federal Office for Police provides an Internet monitoring service on its World Wide Web page. Individuals who find pornographic material involving children are asked to contact the Federal Office via e-mail. According to the Penal Code, the production, possession, distribution, or showing of hard pornography are punishable with fines or prison sentences. Any pornography involving children falls into this category. In March 1999 an NGO pub-

lished the first compilation of cases of child pornography and prostitution in the country. The study cited 60 cases. Most of the victims were girls between 13 and 17 years of age.

With respect to child abuse abroad, the law provides for prosecution only if the act is considered a crime in the country in which it took place. Experts have proposed making such acts punishable in Switzerland regardless of where the crime took place, but there was no legislative action on the problem during the year.

Parliament's 1997 ratification of the U.N. Convention on Children's Rights included five reservations, the most important of which concerned children of migrant seasonal workers who are not permitted automatically to join their parents. Children of foreigners working as migrant laborers are only permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their homeland for 1 month. The Government reexamined the necessity for these reservations and included its conclusions in its first report to the Committee on Children's Rights in November. All five reservations still apply.

In June the Government ratified ILO Convention 182 forbidding the worst forms of child labor (including child prostitution, forced labor, and using children for illegal activities such as drug dealing).

People with Disabilities.—The law prohibits discrimination directed at disabled persons in employment, education, and the provision of other state services. Advocates for the disabled have called for new measures to ensure greater protection for their rights, including easier access to buildings and public transportation. However, the Government has not mandated that buildings or transportation facilities be made accessible. Article 8 of the new Constitution (in effect as of January 1) provides for equal opportunities for the disabled. However, it does not include provision for making public buildings and facilities accessible. The upper house of Parliament discussed this addition in June and decided that the requirements for equal treatment as contained in the Constitution were sufficient to meet the demands of the disabled.

A 1995 law exempts disabled men from the tax imposed on those who have not fulfilled their military duty.

Religious Minorities.—In response to the issue of Holocaust era assets, the Government and private sector initiated a series of measures designed to shed light on the past, provide assistance to Holocaust victims, and address claims to dormant accounts in Swiss banks. The independent commission of experts under Professor Jean-Francois Bergier, charged with examining the country's wartime history and role as a financial center, issued its report in December 1999 and found that there were more than 24,000 documented rejections of asylum seekers during the World War II period, including a large number of Jewish refugees who were refused asylum even after authorities were aware of the dangers that they faced from the Nazis.

The Federal Council issued a statement that repeated its previous apology for policy errors made during World War II and stated that its asylum policy "was marred by errors, omissions, and compromises." Also in December 1999, the Independent Committee of Eminent Persons under Paul Volcker released its report on "dormant accounts of victims of Nazi persecution in Swiss banks." The report represents the culmination of a 3-year investigation into the fate of victims' accounts. The Volcker report recommended that the Swiss Federal Banking Commission publish about 26,000 account holders' names, based on their probable or possible identity as Holocaust victims. The report also made recommendations on the means of resolving claims by victims of Nazi persecution or their heirs and the appropriate treatment of dormant accounts in the future.

The Swiss Special Fund for Needy Holocaust Victims received approximately \$190 million (323 million Swiss francs) in contributions from the private sector and the Swiss National Bank. By September the fund had allocated but not yet fully paid out an initial contribution to Holocaust survivors in Israel, Australia, Germany, Latin America, and Eastern Europe. In total some 310,000 persons, 88 percent of them Jewish, are expected to benefit from the fund. On March 31, 1999, the Government's World War II task force became the Switzerland-World War II Office, which remains engaged in supporting progress on resolving Holocaust assets issues. A \$1.25 billion (2.12 billion Swiss francs) settlement of the class action lawsuit filed in the United States district court in Brooklyn, New York, against Swiss banks was announced in August 1998, completed in January 1999, and formally approved by the New York judge on July 26, 2000.

A provisional plan of allocation and distribution was announced on September 11. The plan earmarks up to \$800 million (1.36 billion Swiss francs) to cover outstanding claims against Swiss banks; the remaining sum is to be paid out to World War II forced laborers as well as refugees who were denied entry to or were harmed

while detained in Switzerland. To be included in the settlement and thus avoid further class action suits, 37 Swiss industrial firms notified the New York court that their subsidiaries employed forced labor during World War II.

The Swiss National Bank released a report in 1999 that stated that its officials ignored warnings that they were buying looted Nazi gold. The bank has contributed approximately \$70 million (110 million Swiss francs) to the Swiss Special Fund for Needy Holocaust Victims.

Two Swiss life insurers, both explicitly excluded from the \$1.25 billion settlement, participate in the ongoing efforts by the International Commission on Holocaust Era Insurance Claims to establish a formula and just sum for compensating Holocaust victims or their families for policies they held. Both companies agreed to resolve outstanding claims of unpaid insurance policies submitted within a period of 2 years, starting in February and ending in 2002. The Federal Council is seeking legislation to establish a solidarity fund, which would assist victims of human rights violations, including those who suffered in the Holocaust. In May the Federal Council endorsed and returned to Parliament revised legislation concerning a Swiss Solidarity Foundation. Under the modified act, the foundation would dispose of the proceeds from the management of 500 tons of central bank gold reserves recently declared "excess." The Solidarity Foundation act has yet to be approved by Parliament. The alternative use of the extra gold reserves will be subject to a mandatory referendum.

In the context of the discussions over Nazi gold and Holocaust era assets, anti-Semitic slurs reportedly still remain a problem. Government officials, including the President, have spoken frequently and publicly against anti-Semitism. From 1995 when an antiracism law was enacted until the end of 1998, some 300 court cases were brought for violations of the law. Roughly half of them resulted in convictions by a court of first instance, but in many cases appeals are pending.

According to the Government, 104 cases of violation of the Anti-Racism Act were brought before the courts between 1995 (when the law was enacted) and the end of 1999. A total of 45 resulted in convictions (for anti-Semitism, revisionism, and racist oral or written slurs). Sentences for convictions included a 15-month prison sentence and a fine of \$12,000 (20,000 Swiss francs) for the Holocaust denier Jurgen Graf. The human rights group Eyes Open was among the NGO's that expressed concern over the continued existence of anti-Semitic sentiment.

In November 1998, the Federal Commission against Racism released a report on anti-Semitism in the country, which expressed concern that the recent controversy over the country's role during World War II had to some extent opened the door to expressions of latent anti-Semitism. At the same time, the Commission described the emergence of strong public opposition to anti-Semitism and credited the Federal Council with taking a "decisive stand" against anti-Semitism. The Commission also proposed various public and private measures to combat anti-Semitism and encourage greater tolerance and understanding. In its initial response to the report, the Federal Council pledged to facilitate implementation of the Commission's recommendations.

In December 1999, the Federal Council announced the creation of a Center for Tolerance in Bern. Planning under the chairmanship of a former parliamentarian is continuing, and financing will come from the public and private sectors. The center plans to produce exhibits designed to teach historical lessons, offer academic research opportunities, and host international symposia. A survey published in March showed that 16 percent of Swiss hold anti-Semitic notions. Among supporters of the rightwing Swiss People's Party the figure was 33 percent. The study also found that the recent controversy over Swiss World War II behavior affected survey results, particularly among the older generation. Conversely, 92 percent of young persons polled harbored no anti-Semitic sentiments. The survey reflected inconsistencies. During the recent period of controversy over the Swiss World War II record, public opinion actually strengthened in support of antiracism laws. The case of a national councilor who made anti-Semitic remarks, but could not be prosecuted because Parliament refused to lift his immunity, led to an abortive attempt to restrict parliamentary immunity (see Section 2.a.).

The Federal Court decided on June 7 to uphold a cantonal decision granting Scientologists the right to distribute leaflets in public areas. However, the court also affirmed that Scientology leaflets serve a "commercial enterprise" and that distributors must obtain a permit to use public areas for their dissemination. The court ruled that Scientology does not act as a religious organization in such cases. Scientologists previously distributed flyers without the necessary permits, protected by the Religious Freedom Act. Several cantons are likely to use the precedence of the Federal Court's decision to regulate the distribution of leaflets (see Section 2.c.).

National/Racial/Ethnic Minorities.—According to NGO statistics, there were 56 reported incidents directed against foreigners or minorities in the first 6 months of

the year, compared with 62 for the first half of 1999. These figures include instances of verbal and written "attacks," which are much more common than physical assaults. Investigations of these attacks are conducted effectively and lead, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes commonly are sentenced to from 3 days' to 3 years' imprisonment with a fine of up to approximately \$27,000 (40,000 Swiss francs).

On March 12 the voters of Emmen, a small township in Canton Lucern, voted on local foreign residents' applications for citizenship. The voters rejected 48 applicants, almost all exclusively from southeast Europe, while approving 8 Italians' citizenship bids. Fearing the vote was a violation of the European Human Rights Convention, the Swiss Federal Council determined to look into the practice. The Emmen vote caused a national uproar and prompted several motions in Parliament. In response the Federal Council referred the issue to a working group set up in 1999, which examines the Government's naturalization practice.

Section 6. Worker Rights

a. The Right of Association.—All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives. The Government does not hamper the exercise of these rights. About one-quarter of the work force is unionized.

The right to strike is recognized legally and exercised freely, but a unique labor peace under an informal agreement between unions and employers—in existence since the 1930's—has meant fewer than 10 strikes per year since 1975. The new Constitution provides specific protection for the right to strike. In a Basel laundry workers went on an almost unprecedented 5-day strike after management of the former state enterprise asked some workers to accept a "industry standard" wage of about \$1,700 monthly (3,000 Swiss francs). The strike ended on December 4 after a tense scuffle between police and pickets and protracted negotiations between the two sides and Basel city officials. Management agreed to small wage gains and a cost-of-living adjustment mechanism that will increase wages gradually to about \$2,000 (3,500 Swiss francs). In the absence of a minimum wage law, labor leaders see the worker gains in this first major strike in a decade as a signal for revived recruiting and broader public opinion support for the labor movement's minimum wage campaign.

A 1927 law bans public servants, as well as workers in state-owned bodies such as the postal service, from striking. However, in November voters approved a referendum on a new law concerning employees of the Federal Government that generally recognizes the right to strike. Only for reasons of national security, safeguarding national foreign policy interests, or providing the population with essential goods and services may the Government curtail or suspend the right to strike for certain categories of government employees. The new law will enter into force in steps for different categories of employees between January 2001 and 2002.

Unions are independent of the Government and political parties, and laws prohibit retribution against strikers or their leaders.

Unions can associate freely with international organizations.

b. The Right to Organize and Bargain Collectively.—By law workers have the right to organize and bargain collectively, and the law protects them from acts of antiunion discrimination. The Government fully respects these provisions. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level. Non-union firms generally adopt the terms and conditions fixed in the unions' collective bargaining.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Although there is no specific constitutional or statutory ban on forced or compulsory labor in general, and on child labor in particular, such practices generally are not known to occur; however, trafficking in women for forced prostitution increased (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for full-time employment of children is 15 years, and children are in school until this age. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 is regulated strictly; they cannot work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforces the law on working conditions.

The Government does not prohibit specifically forced and bonded labor by children, although such prohibitions are included implicitly in the Labor Act. Such forms of labor are not believed to occur (see Section 6.c.). In June the Government

ratified ILO Convention 182 forbidding the worst forms of child labor (including child prostitution, forced labor, and using children for illegal activities such as drug dealing).

Government officials inspect companies that employ children after having received complaints. Every year a few employers are fined or receive conditional imprisonment for violations of the law.

e. Acceptable Conditions of Work.—There is no national minimum wage. The lowest wages fixed in collective bargaining are generally adequate to provide a decent standard of living for a worker and family. However, the Swiss Association of Trade Unions in a 1999 study found that 60,000 full-time workers (or 3.4 percent) fall below the poverty line, defined as earning less than approximately \$15,500 (22,900 Swiss francs), which is half of the median wage.

The 1964 Labor Act established a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half day per week. New labor legislation, which came into force on August 1, limits annual overtime to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week.

The law protects legal and illegal foreign workers. However, illegal foreign workers are not covered by mandatory health insurance in case of illness or accident. Wage discrimination against foreign workers is not permitted.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There have been no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective is unclear. A 1998 law is designed to increase flexibility in the workplace and remove restrictions on women working at night. A worker may leave a dangerous assignment without penalty.

f. Trafficking in Persons.—The Penal Code criminalizes sexual exploitation and trafficking in persons. Trafficking in persons can result in prison sentence of up to 5 years; coercing someone into prostitution or restricting a prostitute's personal freedom can carry a sentence of up to 10 years in prison. According to a 1999 official report, the police are concerned about the growing number of foreign women subject to abuse in sex trafficking rings. In the past, victims came from Thailand, parts of Africa, or South America; recently an increasing number of women come from Hungary, Russia, Ukraine, and other states of the former Soviet Union. Many victims are forced to work in salons or clubs to pay for the cost of their travel and forged documents and find themselves in a state of dependency. Traffickers sometimes seize victims' passports. Generally the victims do not read, write, or speak the country's languages, and are afraid to seek help from the authorities.

Since 1905 the Government has had an office to combat the trafficking of girls for the purpose of commercial sexual exploitation. Over the years this office has evolved to include all forms of trafficking in persons. The office has existed in its present form since 1998 as part of the criminal intelligence unit of the Federal Department of Police. In 1998 the Government institutionalized an exchange of information on trafficking in persons with NGO's. The Department of Foreign Affairs helps fund programs intended to combat trafficking from Eastern Europe.

Because the investigation, enforcement, and prosecution of individual trafficking and related cases is the responsibility of the cantonal police authorities, the federal human trafficking office also supports the cantonal prosecution authorities with information concerning trafficking abroad. In major cases the federal government establishes contacts with foreign government authorities.

In March Neuchâtel cantonal police announced the arrests of four persons, including two African women married to Swiss nationals, on trafficking-related charges. The arrests followed an investigation initiated when the Swiss consulate in Yaounde became suspicious about unusually large numbers of Cameroonian women travelling to Switzerland. The consulate informed the federal Department of Foreign Affairs, which alerted cantonal police authorities. After an investigation spanning several months, the police were able to uncover the organization and obtain valuable information on how the ring operated.

Shortly after the arrests, a Zurich-based NGO submitted a petition to the Cabinet and both houses of Parliament that called urgently for the establishment of a protection program for trafficking victims. The petition was signed by 7,500 individuals, organizations, and parliamentarians. Their program would end the automatic expulsion of women arrested for illegal prostitution and legalize their stay for the duration of investigations and trials. Currently, most women are expelled within 96 hours. It would also provide shelter, protection from intimidation, counseling centers, and sensitivity training for police. The petition also calls for a change in the legal definition of trafficking to include not only women forced into prostitution but

also women whose migration to Switzerland for marriage or domestic work puts them in a state of dependency. Parallel to the submission of the petition, a parliamentary initiative was launched calling for similar measures. The Federal Council (Cabinet) instructed an interdepartmental working group to assess the situation and to determine whether a revision of the relevant legal articles would be a useful step.

In order to confront modern forms of trafficking in women, especially via the Internet, the federal police have increased the number of their agents. In 1997 4 persons were convicted of trafficking in women and 13 were convicted of sexual exploitation; and in 1997–98 police uncovered a large Thai trafficking organization. Its leader was arrested, tried, and convicted. He later committed suicide in prison.

Prostitution is legal; however, it is illegal for foreigners to work without a valid work permit. Official police figures estimate that approximately 7,050 women work as prostitutes, both legally and illegally, mostly in the major Swiss cantons. In March 1999 the Government introduced new visa requirements for applicants from four South American countries—Colombia, Cuba, Ecuador, and Bolivia. The Office for Equality between Men and Women has a program to educate visa applicants in their native countries about the methods used by traffickers and the dangers of falling victim to them.

TAJIKISTAN

Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government; however, Rahmonov's narrow base of support limited his control of the entire territory of the country. Rahmonov won reelection in a November 1999 election that was flawed seriously and was neither free nor fair. As a result of 1997 peace accords that ended the civil war, some former opposition figures continue to hold seats in the Government. Rahmonov's supporters overwhelmingly won February parliamentary elections that were neither free nor fair, but were notable for the fact that several opposition parties were allowed to participate, and that one opposition party won two seats in Parliament. Although the Constitution was adopted in 1994 and amended in September 1999, political decisionmaking normally takes the form of power plays among the various factions, formerly aligned with the other side during the civil war, that now make up the Government. The legacy of civil war continued to affect the Government, which still faced the problems of demobilizing and reintegrating former opposition troops and maintaining law and order while rival armed factions competed for power. The Constitution provides for an independent judiciary; however, it is not independent in practice.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although the Government actually relies on a handful of commanders who use their forces almost as private armies. Some regions of the country remained effectively outside the Government's control, and government control in other areas existed only by day, or at the sufferance of local former opposition commanders. The soldiers of some of these commanders are involved in crime and corruption. The Russian Army's 201st Motorized Rifle Division, part of a Commonwealth of Independent States (CIS) peacekeeping force established in 1993, remained in the country and continued to have a major influence on political developments; however, the division began to transition into a new status on a permanent military base after the peacekeeping mandate ended in September. Some members of the government security forces and government-aligned militias committed serious human rights abuses.

The economy is a state-controlled system making a difficult transition to a market-based one. Most of the work force is engaged in agriculture, part of which remains collectivized. Government revenue depends highly on state-controlled cotton production. The small industrial sector is dominated by aluminum production (another critical source of government revenue), although most Soviet-era factories operate at a minimal level, if at all. Small-scale privatization is over 80 percent complete, but the level of medium to large scale privatization is much lower (approximately 16 percent) with the heavy industry, wholesale trade, and transport sectors remaining largely under state control. Many, but not all, wages and pensions are paid. The country is poor, with a per capita gross national product of approximately \$290, according to World Bank data. The failure of the Soviet economic system has been accompanied by a rise in narcotics trafficking and other forms of corruption. This development has led to clear disparities of income between the vast majority

of the population and a small number of former progovernment and opposition warlords, who control many of the legal and most of the criminal sectors of the economy.

The Government's human rights record remained poor and the Government continued to commit serious abuses. The February parliamentary elections represented an improvement in the citizens' right to change their Government; however, this right remains restricted. Some members of the security forces committed extrajudicial killings. There were a number of disappearances. Security forces frequently tortured, beat, and abused detainees. These forces also were responsible for threats, extortion, looting, and abuse of civilians. Certain battalions of nominally government forces operated quasi-independently under their leaders. Impunity remains a problem, and the Government prosecuted few of the persons who committed these abuses. Prison conditions remained harsh and life threatening. The Government continued to use arbitrary arrest and detention and also arrested persons for political reasons. Lengthy pretrial detention remained a problem. Basic problems of rule of law persist. There are often long delays before trials, and the judiciary is subject to political and paramilitary pressure. The authorities infringed on citizens' right to privacy.

The Government continued to restrict severely freedom of speech and the press and essentially controls the electronic media. The Government severely restricted opposition access to state-run radio and television; however, an opposition newspaper begun in 1998 continued to publish, and a number of small television stations were operated by nongovernmental organizations (NGO's). Journalists practice self-censorship. The Government restricts freedom of assembly and association by exercising strict control over political organizations; it banned three opposition parties and prevented another from being registered. A number of parliamentary candidates were prevented from registering for the elections. There are some restrictions on freedom of religion and on freedom of movement. The Government still has not established a human rights ombudsman position, despite a 1996 pledge to do so. Violence against women is a problem, as is discrimination of the disabled and religious and ethnic minorities. Child labor is a problem. There were some instances of forced labor, including children. Trafficking in women is a problem.

Some former opposition troops committed serious abuses, including killings and abductions. There were credible reports that paramilitary units threatened, extorted, and abused the civilian population.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Some members of the security forces committed extrajudicial killings; however, it was difficult to estimate the total number of such killings or to attribute responsibility in many cases. Some killings were committed by competing government factions for both political and economic motives.

Harsh prison conditions and lack of food and adequate medical treatment resulted in a significant number of deaths of prisoners while in custody (see Section 1.c.). There were reports that a member of the banned Hizb ut-Tahrir movement died in police custody after being arrested (see section 2.c.).

A number of local officials, businessmen, and professional figures were killed during the year, for a variety of political, economic, and ethnic reasons. A former Deputy Minister of Security and parliamentary candidate, Shamsullo Tobirov, was killed in an attack apparently aimed at the mayor of Dushanbe in February. Sirojiddin "Sergei" Davlatov, chairman of the Gharm district and a former deputy opposition field commander, was killed in May. The chairman of the State Radio and Television Committee, Saif Rahimov (Rahimzoda) also was killed in May. A correspondent for the Khovar state information agency, Aleksandr Olpatov, was killed in September. In addition, a number of high-ranking figures associated with various competing paramilitary factions were killed. For example, the brother of Mullo Abdullo, a former opposition field commander in the Karategin Valley, reportedly was killed in retaliation for the killing of Davlatov. In most cases, suspects were not identified. The competence of the investigators and their independence from official interference was questioned. A number of apparent murders essentially were concealed, with official news noting only that the individual died.

Both the Government and the opposition used landmines during the civil war. Some unmarked mine fields in the Karategin Valley probably killed innocent civilians. According to press reports, a total of 21 persons were killed during the year by landmines laid along the northern segment of the Uzbekistan-Tajikistan border,

places. The Government of Uzbekistan apparently laid the mines as part of a counterinsurgency campaign. Some killings were committed by former opposition forces and others by independent warlords answering to neither the Government nor the former opposition forces. The Government also has laid numerous minefields along the border with Afghanistan.

A landmine brought on board a public bus on the outskirts of Dushanbe killed at least five passengers in February; the person who carried the mine aboard the bus was among those killed. It was not clear whether the mine detonated inside the bus by plan or by accident, and there were no developments in identifying the individual or group responsible for the incident.

Terrorists bombed a Protestant church in Dushanbe in October, killing seven persons and injuring many more (see Section 1.c. and 5).

There were reports of instances where Tajik border guards were killed on the Afghanistan border. It is unclear whether these cases were politically motivated or the result of narcotics trafficking.

There were no developments in the 1999 murder case of British national Abdullah Mugharebi, a resident of Dushanbe and leader of Tajikistan's Baha'i community, who was widely believed to have been killed by Iranian-sponsored Islamic fundamentalists. There were no developments in the 1997 killings of several Russian servicemen, or in the 1996 murder of the mufti of Tajikistan.

There were no developments in the 1999 killings of Tolib Bobev, an official of the Popular Unity Party, or Jumakhona Khotami, Ministry of Interior press center chief.

b. Disappearance.—There were a number of disappearances during the year; in at least one case security forces apparently were responsible. The driver and bodyguard of First Deputy Prime Minister Akbar Turajonzoda disappeared briefly in October and appeared in police custody. The taking of hostages for revenge or for bargaining purposes remained a common occurrence.

Political pressures, the central Government's lack of control over violently competitive factions within and outside the Government, and a lack of professional resources hamper police efforts to investigate disappearances.

The sister of Deputy Prime Minister Nigina Sharapovna disappeared in February; she later reappeared after ransom apparently was paid. The ethnic Uzbek mayor of a town in Khatlon District disappeared in September under mysterious circumstances.

There were no developments in the 1996 disappearance of Zafar Rahmonov, the opposition cochairman of the Joint Commission on Cease-fire Observation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, the Government uses it in practice. Security officials, particularly those in the Ministry of Interior, regularly beat detainees in custody and use systematic beatings to extort confessions. In contrast to the previous year, however, there were no public allegations that security forces mistreated or beat members of opposition parties or their relatives. Impunity remains a serious problem, and the Government has prosecuted few of the persons who committed these abuses.

The Government has acknowledged that the security forces were corrupted by criminal elements, and that most citizens chose to keep silent in the face of official mistreatment rather than risk retaliation by the police. In the southern regions of the country, many border guards are involved in the drug trade, and the local population has made numerous complaints of harassment and human rights abuses committed by them.

Members of Tajikistan's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities. For example, a prominent Afghan refugee (a former official of the overthrown Communist regime in Afghanistan) credibly claimed that Ministry of Interior officers apprehended and beat him, apparently in retaliation for previous claims of abuse that were reported publicly abroad (see Section 2.d.).

Journalists regularly risked beatings at the hand of law enforcement authorities (or at least armed individuals dressed as and claiming to be law enforcement authorities) (see Section 2.a.). For example, the Center for Journalism in Extreme Situations reported that militiamen seized a reporter for the state-owned newspaper *Jumhuriyat* in Dushanbe in August, forced him into a car, beat him en route to a militia station, where they beat him so badly that he suffered a concussion and hearing loss in one ear.

There were a number of shootings, bombings, and terrorist attacks that resulted in nonlethal injuries and serious property damage. The February bombing of a Dushanbe city bus left scores of passengers injured (see Section 1.a.). Also in February, the mayor of Dushanbe, Mahmadsaid Ubaidulloyev, along with his driver and

bodyguard, was injured seriously in a failed attempt on his life by terrorists; another passenger in the mayor's official vehicle was killed (see Section 1.a.). On February 25, 2 days before parliamentary elections, a bomb explosion in a parliamentary candidate's office in the town of Hissar caused three injuries. Following these events, the central Government cracked down on rogue paramilitary groups. This brought a greater sense of security to the capital city of Dushanbe. However, despite this effort, a Protestant church in Dushanbe was bombed in October, leaving approximately 70 persons injured, almost half of them seriously (see Section 1.a and 2.c.). The official vehicle of Democratic Party leader and presidential cabinet member Mahmadrusi Iskandarov was destroyed by a bomb in October; there were no injuries. An official vehicle of the European Commission Humanitarian Office was destroyed by a bomb in July; there were no injuries.

According to credible counternarcotics law enforcement authorities in the central Government, Tajik and Afghan criminal groups engaged in narcotics smuggling across the Tajikistan-Afghanistan border threatened, harassed, and committed abuses against the border area populations.

Prison conditions remain harsh and lifethreatening. They fail to meet minimum international standards. Prisons generally are overcrowded, unsanitary, and disease-ridden, producing a serious health threat. This problem reflects in part the self-funded status of most prisons, under which before 1992 prisoners grew much of their own food or made goods for sale. The general collapse of governmental programs and of the economy also meant the virtual disappearance of these programs. Some food production has resumed, but is still inadequate. Some prisoners die of hunger. Family members are allowed access to prisoners only after a guilty verdict, in accordance with the law.

There was no official action against government forces responsible for the deaths of 26 prisoners when they retook Khojand prison in 1997 after a prison revolt. Abdulhafiz Abdullojonov, the brother of a political opponent of the President, was arrested in May 1997 on narcotics charges that appear fabricated and was sentenced to death in 1998. Despite appeals for clemency based on a diagnosis of terminal cancer, Abdullojonov remained in prison and claimed to have been denied proper medical treatment. Government sources say that he was executed early in 1999, although other sources maintain that he simply died of cancer in prison.

The Government does permit some prison visits by international human rights monitors, including an OSCE visit during the year, in which the OSCE found the conditions to be very poor. The Government invariably has denied requests by the International Committee of the Red Cross (ICRC) to make prison visits in a manner consistent with the ICRC's standard modalities.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and detain citizens arbitrarily. The Criminal Code has not been amended significantly since independence, and it therefore retains many of the defects inherited from Soviet times. The Government claims that revision of the Criminal Code is a high priority, but due to the size and complexity of the code, the small parliamentary staff, and limited time in session for the Oli Majilis (Parliament) progress has been slow. There is no projected completion date, and there has been no indication of progress toward a comprehensive revision of the Criminal Code. Minor modifications to the code in 1999 increased punishment for crimes such as rape, theft, and illegal drug use. The system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons. Public order, which broke down during the civil war, has yet to be restored fully, and the virtual immunity from prosecution of armed militia groups has eroded further the integrity of the legal system.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days after which the accused must be officially charged. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction the remaining time in detention. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum in order to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days. However, it is common for cases to be delayed for many months before trial begins. There is no provision for bail, and lengthy pretrial detention is a problem.

The Government made politically motivated arrests, and there are credible allegations of cases of illegal government detention of members of rival political factions.

For example, the bodyguard and the former driver of First Deputy Prime Minister Akbar Turajonzoda were detained in October, apparently as part of a campaign of intimidation by other elements of the Government against Turajonzoda. In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, do not obtain arrest warrants and do not bring charges. Those released sometimes claimed that they were mistreated and beaten during detention (also see Section 1.c.).

The number of political detainees was not clear. Since the law precludes visits to persons in pretrial detention, and the Government denies the ICRC or other observers access to these persons, any estimate is uncertain.

Human Rights Watch reported that by December 1999, the Government had granted amnesty to approximately 5,000 United Tajik Opposition (UTO) fighters. There were reports of several UTO fighters in the Gorno-Badakhshan Autonomous Oblast being arrested by local authorities despite this amnesty. The families of these fighters have appealed, and the leader of the Lal-I Badakhshan movement is pursuing their case.

Border Force units routinely take family members of deserters hostage and hold them until the deserters return to duty (see Section 1.e.).

The Constitution states that no one can be exiled without a legal basis; no laws have been passed so far setting out any legal basis for exile. There were no reports of forced exile, although, some opponents of the Government are in self-imposed exile.

e. Denial of Fair Public Trial.—The 1994 Constitution states that judges are independent and subordinate only to the Constitution and the law and prohibits interference in their activities; however, in practice the political leadership and, in many instances, armed paramilitary groups directly influence judicial officials at all levels. Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level are for the most part poorly trained and lack understanding of the concept of an independent judiciary. The Government made some progress in this respect by instituting regular examinations to screen unqualified candidates for judgeships. Bribery of prosecutors and judges appears to be a common practice.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court, which began to function in 1997.

According to the law, trials are public, except in cases involving national security or the protection of minors. The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. In practice arrested persons often are denied prompt, and in some cases any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration, regardless of the ethnicity or gender of the witness. Ministry of Justice officials maintain that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. In practice, bringing charges tends to suggest guilt.

The obstacles to ensuring fair public trials were evident in the murder trial of Difuza Nimonova, a 21-year-old woman accused of murdering the man who raped her. The Organization for Security and Cooperation in Europe (OSCE) mission in Tajikistan, which observed the trial, reported that the evidence presented by prosecutors against the defendant was poor, that the defendant's lawyer was denied access to his client, and that the politically well-connected family of the victim pressured the judges hearing the case. Members of the security forces tortured and beat Nimonova while she was in prison. Authorities also forced her to undergo an abortion while in prison. Nimonova was sentenced to death, although the Government later commuted her sentence to 16 years in prison after President Rahmonov received international appeals to intervene in the matter.

There was no information during the year concerning Bahrom Sodirov, who was charged in the February 1997 kidnapping of the Minister of Security, 5 United Nations personnel, and 11 others. Sodirov was arrested soon after the hostages were released. His trial, from which observers were barred, was suspended in late 1997 and has not resumed.

In contrast with the previous year, there were no new public allegations that the Government holds political prisoners. The Government and the UTO exchanged

multiple lists of prisoners of war and political prisoners for exchange as a result of the 1997 inter-Tajik talks in Moscow. By November 1999, the Government had released all UTO prisoners named on lists submitted by the UTO, with the exception of six individuals, of whom the Government claimed no knowledge. The families of the six individuals continued to seek their whereabouts without success. The Government accepted the UTO's 1998 claim that it released all prisoners of war that it held.

Abdulahfiz Abdullojonov, whose arrest and unfair trial in 1997 were politically motivated, remained a political prisoner until his mysterious death early in 1999 (see Section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except “in cases prescribed by law”; however, authorities continued to infringe on citizens’ right to privacy. Except for in some special circumstances, by law police may not enter and search a private home without the approval of the procurator. When they do enter and search without prior approval, they then must inform the procurator within 24 hours. However, police frequently ignored these requirements. There is no independent judicial review of police searches conducted without a warrant. Police also are permitted to enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

Security forces detained relatives of deserters in order to compel deserters to return to duty (see Section 1.d.). According to the OSCE mission in Tajikistan, the family of Dilduza Nimonova (see Section 1.e.) was harassed at the behest of her alleged murder victim’s politically well-connected family after Nimonova’s family sought international intervention in her case. There is also strong evidence that Nimonova, a rape victim, was forced to undergo an abortion while in prison (see Section 1.e.).

Some political parties remain banned. In some cases, the security services apparently created difficulties for persons associated with opposition parties who sought employment. Other persons were pressured to join the ruling party (see Section 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricts this right in practice. Journalists, broadcasters, and individual citizens who disagree with government policies are discouraged from speaking freely or critically. The Government exercises control over the media both overtly through legislation and indirectly through such mechanisms as “friendly advice” to reporters on what news should not be covered. The Government also controls the printing presses and the supply of newsprint and broadcasting facilities and subsidizes virtually all publications and productions. Editors and journalists fearful of reprisals carefully exercise self-censorship.

The number of independent and local newspapers is increasing, but only a handful of them attempt to cover serious news. Several are organs of political parties or blocs. The Government exerted pressure on newspapers critical of it. Najot, the new official paper of the Islamic Renaissance Party, which began weekly publication in October 1999, continued to publish during the year. It experienced indirect government censorship in the early summer, apparently in retaliation for publishing a serialized translation of a foreign human rights report critical of the Government. It temporarily lost its access to state-run printing presses and has been forced to rely on a small, privately owned printing press to publish its editions.

Journalists frequently are subject to harassment, intimidation, and violence. Sometimes the perpetrators are government authorities, as in the case of a reporter for the state-owned newspaper *Jumhuriyat*, who was beaten severely by militiamen in August (see Section 1.b.), according to the Center for Journalism in Extreme Situations. In other cases, the perpetrators are criminal or terrorist elements who are believed to have narcotics trafficking connections, as in the cases of Ministry of Interior press center chief Jumankhon Hotami, who was shot and killed near Dushanbe in 1999, and Sergei Sitkovskii, a Russian national working for the newspaper *Tojikiston*, who was killed in a hit-and-run car accident in 1999. Both were investigating narcotics trafficking at the time of their deaths. There were no developments in their cases by year’s end.

There is one Government-run television network; its several local stations cover regional and local issues from an official point of view. Opposition politicians have had little access to it, although in January and June it broadcast two political party debates organized by the International Foundation for Electoral Systems. There are

36 nongovernmental television stations, not all of which are operating at any one time and only a handful of which can be considered genuinely independent. The Islamic Renaissance Party was able to begin broadcasting a weekly television program on one such station. Some have independent studio facilities. These stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must work through two government agencies, the Ministry of Communications, and the State Committee on Radio and Television. At every stage of the bureaucratic process, there are high official and unofficial fees.

The Government continued to prevent independent radio stations from operating by interminably delaying applications for broadcasting licenses. At least two independent radio stations in Dushanbe have had their license applications pending without explanation since the summer of 1998.

Access to the Internet is limited partly by state control. The Government allowed a handful of Internet provider companies to begin operating during the year, but high fees and limited capacity put access to information over the Internet out of reach for most citizens.

Academic expression is limited principally by the complete reliance of scientific institutes upon government funding, and in practical terms by the need to find alternate employment to generate sufficient income, leaving little time for academic writing.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government restricts this right in practice and exercises strict control over organizations and activities of a political nature. Nonpolitical associations, such as trade unions, are allowed to meet. Registered organizations must apply for a permit from the local executive committee in order to organize legally any public assembly or demonstration. Sometimes permits are granted, but the Government subsequently has been known to take reprisals against organizers. Because fear of reprisal is so widespread, public assemblies or demonstrations of a political nature were rare during the year.

The Constitution provides for freedom of association; however, the Government restricts this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for nonpolitical associations (including trade unions), this right is circumscribed further by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice. This process often is slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. The Minister of Justice made public statements in support of nongovernmental organizations (most of which are involved in social work, rather than political activity), and attempted to address problems that existing NGO's have experienced with registration and taxation. Once registered, an organization may apply for a permit to hold a public assembly or demonstration.

There are five political parties and five "movements" registered with the Government. Three parties are banned officially: The Party of Popular Unity (banned in December 1998), the Agrarian Party (banned in April 1999); and the "Tehran platform" faction of the Democratic Party (banned in December 1999). The Party of Economic and Political Revival of Tajikistan was not allowed to register in March 1999 because of insufficient membership. The Party of Justice and Progress has not been allowed to register since the end of 1999 for unexplained reasons.

In May 1998, the Parliament passed a law prohibiting the creation of political parties with a religious orientation. The opposition UTO, international organizations, and foreign governments strongly criticized the law for violating the spirit and the letter of the 1997 peace agreement. In June 1998, President Rahmonov established a Special Conciliation Commission to resolve the dispute, which proposed compromise language for the law, banning political parties from receiving support from religious institutions. A new version of the law including the compromise language was passed in November 1998. Subsequently, parties of religious character were permitted to register; one such party, the Islamic Renaissance Party, has done so.

The leadership of certain opposition parties reported threats and harassment by the authorities in their workplaces. Many others often were pressured to join the People's Democratic Party of Tajikistan, the ruling party (see Section 1.f.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some restrictions, and the Government monitors the activities of religious institutions to keep them from becoming overly political. The vast majority of the population is Sunni Islam, although only a small portion is observant; this does not appear to affect the religious freedom of the non-Sunni Muslim minority. President Rahmonov

defends secularism aggressively and describes Islamists as a threat to national security. Government policies reflect a pervasive fear of Islamic fundamentalism, a fear shared by much of the general population.

According to the Law on Freedom of Faith, the Committee on Religious Affairs under the Council of Ministers registers religious communities and monitors the activities of the various religious establishments. While the official reason given to justify registration is to ensure that religious groups act in accordance with the law, the practical purpose is to ensure that they do not become overly political. In 1997 the Government subordinated the Council of the Islamic Center (the former Muftiyat) to the Committee on Religious Affairs; however, the observant Muslim community apparently did not object to this step.

Although unregistered, recently organized religious communities, such as Baha'i and Hare Krishna groups, function with no apparent formal restriction. There were no developments in the murder case of a prominent member of the Baha'i community, who was widely believed to have been killed by Iranian-supported Islamic extremists (see Section 1.a.). Members of the Baha'i community were occasionally confronted by the police guard outside Dushanbe's Baha'i Center and asked why they had forsaken Islam. Others were called in by the Ministry of Security and also asked why they had changed religious affiliation.

In May 1998, Parliament passed a law prohibiting the creation of political parties with a religious orientation (see Section 2.b.). The UTO, the largest component of which is the Islamic Renaissance Party (IRP), along with international organizations and foreign governments, strongly criticized the law for violating the June 1997 peace agreement, which included a government commitment to lift the ban on member parties of the UTO. The post-independence 1992-7 civil war was fought in part over differing views of the role of religion in the country. In early June 1998, President Rahmonov established a Special Conciliation Commission to resolve the dispute. Later that month, the Commission reported that it had devised compromise language for the law, banning parties from receiving support from religious institutions. A new version of the law including the compromise language was passed in the November 1998 parliamentary session. A constitutional amendment passed in a September 1999 referendum states that the State is secular and that citizens can be members of parties formed on a religious basis. Two representatives from the IRP now sit in the lower house of the national Parliament.

Aside from the registration requirement, there are few official constraints on religious practice, but government officials sometimes issue extrajudicial restrictions. For example, the mayor of Dushanbe has prohibited mosques from using microphones for the five daily calls to prayer. There are also reports that some local officials have forbidden members of the IRP from speaking in mosques in their region. However, this restriction is more a reflection of political than religious differences. Government printing houses reportedly are forbidden to publish texts in Arabic and as a rule do not publish religious literature. There are no longer restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remain. These restrictions appear to be based on political concerns, but the effect on private religious instruction is also clear.

The Government has banned specifically the activity of one religious faction, the Hizb ut-Tahrir, an Islamist movement with origins in the Middle East, which has developed a significant following among the ethnic Uzbek population of northern Tajikistan. This movement operates underground and apparently calls for a non-violent overthrow of established authority and the reestablishment of government along the lines of the six "rightly-guided Caliphs" of early Islamic history. According to the Ministry of Security, over 105 members of Hizb ut-Tahrir were arrested during the year, and one reportedly died in police custody (see Section 1.a.). Fifty-seven of these persons were sentenced to between one and two years imprisonment.

During the year there were three church bombings that occurred throughout Dushanbe (see Sections 1.a. and 5).

The Government continued to impose restrictions on the number of pilgrims allowed to go on the Hajj. Individuals were not permitted to travel in a personal vehicle; persons were required to travel by government-owned transportation, primarily buses. There were regional quotas on the number of pilgrims, which led to corruption as places were sold. Missionaries are not restricted legally and proselytize openly; however, the Government's fear of Islamic terrorists prompts it to restrict visas for Muslim missionaries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government imposes some restrictions on them.

The Government has stipulated that both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and

Afghanistan without permission from the Ministry of Foreign Affairs. This restriction is not always enforced along the western part of the border with Afghanistan, but a special visa generally is required for travelers, including international workers and diplomats, to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest is not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan.

The Ministry of Security inhibits freedom of travel by requiring citizens who wish to travel abroad to obtain an exit visa. This process sometimes includes lengthy interviews. The Ministry of Security sometimes withholds or delays exit visas when it believes that other ministries or NGO's are infringing upon its jurisdiction and have not adhered to its formalities for foreign travel.

Residents of Dushanbe and those travelers who wish to remain in the city longer than 3 days are supposed to register with central authorities, and regulations require registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely are ignored in practice. There are no legal restrictions on changing residence or workplace.

There is no law on emigration. Persons who wish to migrate within the former Soviet Union notify the Ministry of Interior of their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy in order to obtain their passport. Persons who settle abroad are required to inform the Tajikistan embassy or Tajikistan interests section of the nearest Russian embassy or consulate.

Persons who wish to return to Tajikistan after having emigrated may do so freely by submitting their applications to the embassy of Tajikistan or Tajikistan interests section of the nearest Russian embassy or consulate. The Government adjudicates requests on a case-by-case basis. There is no indication that persons other than those who fled the country for political reasons after the civil war, are not permitted to return freely. Some persons currently active with the Tajik opposition, whose travel documents expired, at times have had difficulty obtaining new documents permitting them to return.

A number of persons remained internally displaced as a result of the civil war, but their total number was difficult to estimate. The U.N. High Commissioner for Refugees (UNHCR) no longer has estimates on the number of internally displaced persons (IDP's). These persons live throughout the country and are not concentrated in a single geographic area. The Government provides protection and modest assistance, and it actively cooperates with international organizations to resettle them. Resettlement is voluntary; IDP's are not returned forcibly to dangerous conditions.

The Constitution provides for the granting of asylum to persons who have entered the country seeking protection, in accordance with U.N. refugee criteria. Under the 1994 refugee law, a person granted refugee status is provided with the right to work and to move freely throughout the country. The State Migration Service (formerly the Department of Refugee Affairs) under the Ministry of Labor has responsibility for the registration of refugees.

The State Migration Service handles the registration of Afghan refugees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and Tajikistan's 1994 Law on Refugees. An unresolved problem stems from the unofficial government policy of denying official status to Afghan spouses of returning Tajik refugees. The UNHCR has aided their admission to the country (avoiding their being jailed as illegal immigrants); however, their legal status remains uncertain. There were no cases during the year. However, members of Tajikistan's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities (see Section 1.c.).

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. According to the UNHCR, 176 asylum seekers submitted requests for refugee status to the State Migration Service during the first half of the year, of which 28 were granted by mid-year. However, the UNHCR does not have statistics on the number of refugees remaining in the country after receiving asylum because the majority of such persons use the country as a transit point en route to Western Europe. As in 1999, the Government faced the problematic issue of several hundred dependent family members and camp followers of Islamic Movement of Uzbekistan militants. As in a similar incident in 1999, several hundred of these persons were sent in buses to Afghanistan. The Government did not consider them for refugee status and officially refused to acknowledge even the presence of these persons.

After protests from the UNHCR, the Government cancelled its short-lived "Operation Foreigner," in which numerous Afghan refugees in Dushanbe were detained by security forces and reportedly slated for relocation to refugee camps elsewhere.

However, government officials continued to maintain that Dushanbe was still “off limits” for Afghan refugees.

It remained an question whether the Government would provide first asylum to a potential mass influx of refugees fleeing Taliban advances in northern Afghanistan; Government and Russian border officials made contradictory statements on this issue.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return, as well as thousands from the CIS, returned to the country. There was continued incremental progress during the year in returning occupied houses to their original UTO fighter owners. Problems remain, although they are almost entirely in the Khatlon region.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. There was some improvement in the February parliamentary elections; however, the 1999 presidential election was seriously flawed. While the country made progress in its transition from a Soviet-model system to a more open and competitive one, the Government remained dominated by President Rahmonov and his inner circle from the Kulyab region.

The 1999 Presidential election was flawed seriously. The Government's handling of preparations for the November presidential election cast doubt on the possibility that there could be a peaceful transfer of power through genuinely free and fair elections. Candidates had to contend with a cumbersome registration process requiring them to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, probably ahead of time, was able to do so by the deadline. Prospective opposition candidates complained that local, progovernment administrators prevented them from gathering signatures. Days before the election, an apparently arbitrary Supreme Court decision allowed one of the three aspiring opposition candidates, Economics and Foreign Economic Relations Minister Davlat Usmon of the Islamic Renaissance Party, to register. Although Davlat announced that he would boycott the election unless the other two opposition figures also were allowed to run, the Central Election Commission included his name on the ballot. Davlat told journalists in Dushanbe on November 7 that he believed that the outcome of the election was rigged and that only 20 to 30 percent of voters had participated. President Rahmonov enjoyed a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; the claim lacked credibility.

A joint mission of the U.N. and the OSCE observed February 27 elections to the lower house of the new bicameral national Parliament. This joint observation mission noted that there were improvements in the process compared to previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process. Two seats in the new Parliament are now held by members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet the minimum standards for equal, fair, free, secret, transparent, and accountable elections. There were particular problems with the independence of election commissions and the conduct of the vote count and tabulation of results. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections in a manner not foreseen by law and in a way that contradicted international standards for democratic elections.

During the course of the February 27 elections, joint U.N.-OSCE observers noted a variety of irregularities in a number of constituencies including proxy voting, unsealed ballot boxes, stuffed ballot boxes, votes added in favor of a particular party, lack of consistency between the sum of votes counted and the number of ballots issued, discrepancies between votes considered invalid during the count and the final result sheet, and blank copies of protocols signed before the counting of ballots and filled in with pencil during the count. The observers judged the conduct of the vote to have been “very good” (i.e., no irregularities) in only 13 percent of the 294 polling stations observed, while finding it “good” (i.e., hardly any minor irregularities) in 32 percent, “acceptable, but not good” (i.e., several minor irregularities) in

another 32 percent, and “unacceptable” (i.e. major irregularities) in 23 percent of the polling stations.

While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. In general, both publicly and privately funded broadcasts as well as print media failed to provide voters with unbiased information.

At least one prospective independent candidate for the lower house of Parliament was prevented from registering as a candidate in what Human Rights Watch called “a wholly arbitrary candidate registration process.” The decision to prevent this individual from registering appeared to have been politically motivated; he earlier had served as chairman of an opposition party that had been deregistered prior to the November 1999 presidential election.

Local district assemblies elected the members of the upper house of the national Parliament in March, in elections that were not held under international observation.

President Rahmonov’s highly centralized People’s Democratic Party of Tajikistan controls an overwhelming majority of seats in both houses of Parliament. This fact, combined with a lack of democratic culture, results in a legislative branch that is not genuinely independent of the executive branch.

There are no formal barriers to women’s participation in the electoral process; however, they are underrepresented in government and politics. Since the removal of Soviet-era quotas, the number of female deputies has declined. In the parliamentary election campaign, only 17 out of the 365 registered candidates were women, and only 5 of the 17 were elected. There are two female ministers in the Government.

While ethnic Uzbeks make up some 25 percent of the total population, they are underrepresented in the political system.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government’s record on dealing with international and nongovernmental investigation of alleged human rights abuses was mixed. Fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGO’s dealing with human rights; several such organizations exist. The Government did prevent some citizens, especially government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, United Nations agencies, NGO’s, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in Tajikistan, was frequently critical of the Government.

The Government first stated the intention of forming a national human rights ombudsman position in 1996, and in 1998 agreed to establish a national human rights institution and ombudsman position with OSCE financial support; however, no institution or ombudsman position had been established by year’s end.

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it is not independent in practice.

The OSCE mission in Dushanbe continues to monitor human rights issues with the help of its five field offices. However, these field offices experienced varying levels of cooperation with local authorities. The Government allowed a joint U.N.-OSCE observation mission to monitor parliamentary elections in February (see Section 3). The mission reported that its team of experts was given every assistance and freedom of access that it requested. The joint mission issued a series of reports that severely criticized the conduct of the elections. The Government’s reaction to the reports was mild, minimizing the critical aspects of joint mission statements and presenting the participation of international observers as evidence of a successful democratic exercise.

The International Committee of the Red Cross (ICRC) maintains a delegation in Tajikistan. The Government continued to refuse the ICRC unconditional access to prisons in accordance with standard ICRC modalities, despite letters received in the past from senior government officials that assured that such access would be forthcoming.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, or social

status and also explicitly states that men and women have the same rights; however, in practice there is some discrimination as a result of cultural traditions and the lingering hostilities from the 1992–97 civil war.

Women.—Violence against women is widespread. Wife beating is a common problem. In both urban and rural areas, many cases of wife beating go unreported and many of those cases reported are not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations, and the Government did not propose legislation on the issue. In addition, abduction of young women, who are raped or forced to marry their abductors, is widely reported.

The Criminal Code prohibits rape; however, it is widely believed that most cases are unreported, and the problem is believed to be growing, particularly in urban areas. The threat of rape often is used to coerce women. There are no special police units for handling these cases. One rape crisis center was established by a local NGO in Dushanbe in 1993; there are now 10 such centers in the country. The situation is exacerbated by a continued lack of public order, so that in many cities, including Dushanbe, women exercise particular care in their movement, especially at night. There are no statistics on the number of rapists prosecuted, convicted, or punished each year. In one widely publicized case, Dilduza Nimonova, an alleged victim of rape was convicted, in a trial of questionable fairness, of having killed the man who raped her. She was forced to undergo an abortion (see Section 1.e. and 1.f.).

The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and sexual exploitation of women; however, prostitutes operate openly at night in certain urban areas.

There are credible reports of trafficking in women (see Section 6.f.).

There have been reports of physical harassment of women by conservative Muslims in rural areas for not wearing traditional attire.

According to the law, women have equal rights with men; however discrimination against women remains a problem. Articles in the Criminal Code protect women's rights in marriage and family matters. Girls often are pressured to marry men that they do not choose themselves, and polygyny is increasingly common, although it is illegal.

Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There is no formal discrimination against women in employment, education, or housing; and in urban areas women can be found employed throughout government, academic institutes, and enterprises. However, women face diminishing opportunities for education and rising poverty. Some women hold the same jobs as men, although not in equal numbers. Women officially receive equal pay for equal work; however this regulation is not always enforced in practice. Divorce rates in urban areas are comparatively high, and women tend to carry the burden of child-rearing and household management, whether married or divorced. In rural areas, women tend to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women receive less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas are also much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice, inheritances may pass disproportionately to sons.

Children.—The Government's lack of financial resources left it unable to fulfill its extensive commitments to children's rights and welfare, and the government social security network for child welfare appeared to have deteriorated. Women are provided 3 years of maternity leave and monthly subsidies for each child; health care is free (but the quality and quantity of medical services available has declined significantly since the Soviet era). Education is compulsory until age 16; however, the law is not enforced. Public education is intended to be free; however, a lack of resources has caused the public school system to deteriorate to the point at which it barely functions. Parents who can afford to do so send their children to private schools (a number of which have been founded since the end of the Soviet period), or join together in groups that hire teachers to give their children lessons for a fee. Public education is intended to be universal; however, a significant number of school-age children—as many as one in eight, according to World Bank data—work instead of attending school. While most children are enrolled in school up to the completion of the secondary level, actual attendance may be lower because of the need to supplement family income by working in the home or in informal activities. The old Soviet practice, now illegal, of closing high schools at cotton harvest time and putting the students to work in the field continues in some areas.

There is no societal pattern of abuse of children.

People with Disabilities.—The 1992 Law on Social Protection of Invalids stipulates the right of the disabled to employment and adequate medical care.

However, in practice the Government does not require employers to provide physical access for the disabled. Financial constraints and the absence of basic technology to assist the disabled result, in practice, in high unemployment and widespread discrimination. There is no law mandating accessibility for the disabled. There are facilities for the mentally disabled; however, funding is limited and the facilities are in poor condition. Several international NGO's provide limited assistance to persons with disabilities.

Religious Minorities.—Baha'i and Hare Krishna groups experience limited prejudice. There were no developments in the 1999 murder of a prominent member of Baha'i community (see Section 1.a.). Police made no arrests, although militant Islamists aligned with Iran are considered the likely perpetrators.

The authorities continued to investigate the October bombing of a Protestant church in Dushanbe (see Section 1.a.). It is believed that the attack was meant to destabilize the political situation in the country. Prosecutors have charged three students from the Dushanbe Islamic Institute with terrorism in connection with the bombing. The students confessed to the bombing and stated their motive was religious. Investigators already have identified the remaining conspirators, and said that the three suspects claimed to be operating on their own and not on the orders of someone else. The Government believes that the act was independent and not associated with the Islamic Movement of Uzbekistan or Hiz ut-Tahir.

On December 31, two churches in Dushanbe were bombed, the Svyato-Nikolskii Russian Orthodox Church and a Seventh Day Adventist Church. There were no injuries at either church, both of which were closed at the time. Government law enforcement and security agencies are investigating the bombings. It is believed that these events were carried out by religious extremists opposed to foreign missionaries in the country.

Some Muslim leaders occasionally have expressed concern that minority religious groups undermine national unity.

National/Racial/Ethnic Minorities.—Ethnic Uzbeks make up approximately a quarter of the population but are substantially underrepresented in government service. The number of Uzbek language newspapers, television broadcasts, and schools has declined significantly since 1992. With the exception of the trilingual (Tajik/Uzbek/Russian) school structure, the Uzbek language has no official status. Although the Government permits a daily Uzbek radio broadcast, broadcast time is dominated by Tajik and Russian language programs. A weekly television broadcast in Uzbek, which ceased in 1999, resumed in 2000.

In practice Russian is the language of interethnic communication and widely used in government. Ethnic Russians and other Russian speakers, for example, Ukrainians, make up less than 2 percent of the population. While the Government repeatedly has expressed its desire for the ethnic Russian and Slavic populations to remain, economic conditions provide little incentive for them to do so, and some local Russians and other Slavs perceive an increase in negative social attitudes toward them. A Slavic university and a Russian high school operate in Dushanbe with Russian as the language of instruction, but also include ethnic Tajik and Uzbek students. An agreement ratified by the Russian Duma in December 1996 allows for dual Russian and Tajik citizenship.

Tensions persist between ethnic Uzbeks and Tajiks in some areas. Government officials have organized meetings at the local level to resolve conflicts; however, the authorities apparently have not arrested or prosecuted suspects in murders of ethnic Uzbeks in July 1998. Since the signing of the peace treaty in 1997, there have been multiple murders of ethnic Uzbeks in the Panj district. Some of these cases appear to be a matter of retaliation by returned ethnic Tajik refugees for injuries done to them by ethnic Uzbeks during the civil war. As a result of these attacks, some ethnic Uzbek families have moved to other locations in the district where Uzbeks predominate or to neighboring countries formerly part of the Soviet Union.

Section 6. Worker Rights

a. The Right of Association.—Both the Law on Social Organization and the Law on Trade Union Rights and Guarantees provide all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force is organized.

The Federation of Trade Unions, a docile holdover from the Soviet era, remains the dominant labor organization, although it since has shed its subordination to the Communist Party. The Federation consists of 19 professional trade unions and claims 1.5 million members, virtually all nonagricultural workers. The separate, independent Trade Union of Non-State Enterprises has registered unions in over 3,000 small and medium-sized enterprises, totaling about 30,000 employees (accord-

ing to 1998 figures). Many of the enterprises in which these two organizations nominally are present are not functioning because of the general economic crisis, and the membership of both has declined as a result. The Council of Ministers formally consults both organizations during the drafting of social welfare and worker rights legislation.

The Law on Tariff Agreements and Social Partnerships mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration can take place at the company, sector, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions have disavowed publicly the utility of strikes in a period of deepening economic crisis and high unemployment and have espoused compromise between management and workers.

There were no official, union-sanctioned strikes, nor were there any wildcat strikes, the last which occurred in 1996).

The law provides citizens but not unions with the right to affiliate freely with international organizations, including international labor organizations. It does not prohibit unions from affiliating with international organizations; however, there are no unions with international affiliations.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is codified in the Law on Trade Union Rights and Guarantees, the Law on Social Partnerships and Collective Contracts, and the Law on Labor Protection. Employees, members of the trade union, and management participate in collective bargaining at the company level. Negotiations involving an industrial sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsens, it is increasingly difficult for enterprises to engage in effective collective bargaining.

The law prohibits antiunion discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist are considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, except in cases defined in the law; however, it persists in some cases. No labor laws have been passed since the adoption of the Constitution in 1994. Neither the Law on Labor Protection nor the Law on Employment, both predating the present Constitution, specifically prohibits forced or compulsory labor. The Soviet practice of compelling students to pick cotton was banned officially in 1989; however, high school students in some regions still are sent to the fields to pick cotton, particularly in the Soghd (formerly Leninabad) area, sometimes with compensation. Residents of state or collective farms still may be required to pick cotton, although wages usually are not paid and these institutions no longer provide the services they once did.

The law does not specifically prohibit forced or bonded labor by children; however, apart from traditional participation by children in family agricultural or home craftsman work, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—According to labor laws, the minimum age for the employment of children is 16, the age at which children also may leave school legally. With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age can perform household-based labor and participate in agricultural work, which is classified as family assistance. Many children under 10 years of age work in the bazaars or sell newspapers or consumables on the street. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The law prohibits forced or bonded labor by children, and such practices generally do not occur, apart from family-based work (see Section 6.c.).

The Government lacks the resources and ability to regulate effectively acceptable working conditions for youths, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations during the year. The Government does not have a comprehensive policy for the elimination of the worst forms of child labor.

e. Acceptable Conditions of Work.—The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage.

The nominal minimum daily rate was approximately \$0.03 (100 Tajik rubles). This rate fell far short of providing a decent standard of living for a worker and family. The Government recognizes this problem and has retained certain subsidies for workers and their families at the minimum wage. Although the Government adopted a wage indexation law in 1993 and inflation has been high, the law has not been implemented.

Although slightly improved, the economy remained extremely weak during the year, with a majority of industrial operations standing idle. As factories and enterprises either remained closed or were shut down, workers were laid off or furloughed for extended periods.

Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise. The employee could then sell or barter those products in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1 1/2 times the normal rate and the rest of the overtime hours at double time.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government does not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. While new statistics were not available, it is virtually certain, given the continuing economic decline, that 1993 statistics, which reported that over one-fifth of the population worked under substandard conditions, greatly underreported the number working under those conditions. Workers can leave their jobs with 2 months' notice, but, given the bleak employment situation, few choose to do so. The Law on Labor Protection provides that workers can remove themselves from hazardous conditions without risking loss of employment; however, in view of the poor prospects for finding another job, few do so.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and it is a problem. The criminal code prohibits the recruitment of minors for sexual exploitation. There are credible reports that trafficking is a growing problem with wide ramifications. The most common form of trafficking is in women, for "export" to the Gulf states, Turkey, and Russia. The OSCE has identified several rings of traffickers that recruit young women for prostitution abroad. The International Organization for Migration is leading an initiative to fully research the problem. The Government has taken no significant action against trafficking. There is no evidence of official, institutional government involvement in the trafficking of persons, but it is believed that some individual authorities are involved. It is believed that, due to the large number of female Afghan refugees, Afghan women may be the subjects of trafficking abroad using Tajikistan as the transit country.

TURKEY

Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. In May it elected Ahmet Necdet Sezer President for a 7-year term. After 1999 parliamentary elections, Bulent Ecevit's Democratic Left Party (DSP), the Nationalist Action Party (MHP) led by Devlet Bahçeli, and former Prime Minister Mesut Yılmaz's Motherland Party (ANAP) formed a Government with Ecevit as Prime Minister. The military exercises substantial, but indirect, influence over government policy and actions—and politics—in the belief, shared by much of the population according to opinion polls, that it is the constitutional protector of the State. The Government generally respects the Constitution's provisions for an independent judiciary; however, various officials acknowledge the need for legislative changes to strengthen its independence.

For over 15 years, the Government has engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal until recently was the formation of a separate state of Kurdistan in southeastern Turkey. A state of emergency, declared in 1987, continues in four southeastern provinces that faced substantial PKK terrorist violence. Parliament in July lifted the state of emergency in Van province. The level of violence has been low since the second half of 1999; according to the Government, the number of PKK-related terrorist incidents declined almost 90 percent from 1999. The state of emergency region's governor has authority over the provincial governors in the four provinces, and seven adjacent ones including Van, for security matters. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public

order, and ordering village evacuations. The state of emergency decree was renewed in Diyarbakir, Hakkari, Sirnak, and Tunceli provinces for 4 months in November.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (Gendarmerie) carry out this function in the countryside. The armed forces, in support of the police and particularly the Jandarma, carry out operations against the PKK in the state of emergency region, thereby serving an internal security function. These operations have declined in number as the terrorist threat ebbed. Although civilian and military authorities remain publicly committed to the rule of law and respect for human rights, members of the security forces, including police "special teams" and anti-terror squads, other TNP personnel, village guards, and Jandarma committed serious human rights abuses such as torture.

In December 1999, the Government adopted a 3-year disinflation and fiscal adjustment program. During the first year of this program the Government registered some significant improvements in the macroeconomic situation. Inflation was cut nearly in half, to 39 percent. Economic growth increased significantly, after a recession in 1999, to about 6 percent of gross national product. This growth included a strong increase in imports, fueled partly by an increase in world oil prices and the Turkish lira's appreciation against the euro, which led to a wider than expected current account deficit. This deficit, together with delays in the structural aspects of the reform program and other factors, resulted in a large loss of investor confidence and capital outflows in November and early December. Intervention by the International Monetary Fund (IMF) helped to stabilize the situation in December, but the financial situation remained fragile at year's end. Another continuing problem is the projected deficit in energy sources, as energy demand grows at 9 percent per year. To find new sources of imported oil and gas, the Government is negotiating supply and pipeline agreements with countries in the Caspian basin.

The Government generally respected its citizens' human rights in a number of areas; however, its record was poor in several other areas, and serious problems remain. Extrajudicial killings continued, including deaths due to excessive use of force. Unlike the previous year, there were no deaths in detention due to torture and no reports of mystery killings and disappearances of political activists. Although the authorities failed to investigate adequately many past disappearances, ongoing investigation of the Turkish Hizbullah terrorist organization may lead to resolution of some cases. Torture, beatings, and other abuses by security forces remained widespread. Police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. The lack of universal and immediate access to an attorney, long detention periods for those held for political crimes (especially in the state of emergency region), and a culture of impunity are major factors in the commission of torture by police and other security forces. In addition the general climate of violence engendered by the PKK insurgency and urban leftist and Islamic fundamentalist terrorism, combined with a confession-oriented trial system, have hampered past efforts to carry out legal prohibitions against torture. With the decrease in counterterror operations and overall detentions in the southeast, fewer cases of abuse of detainees were reported; however, the proportion of cases of abuse remained at high levels, and many cases go unreported.

The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse. Investigations and trials of officials suspected of abuses continued to be protracted and often inconclusive. Some important cases dating back several years continued without resolution, including the case against police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996. However, the case against 10 police accused of torturing 15 teenagers in Manisa in 1995 concluded in November with the conviction of all of the accused police.

Prison conditions remained poor. Clashes between prisoners and prison officials, especially over the issue of newly constructed small-cell prisons, which would break up the current ward system, resulted in deaths and injuries. In December during government actions to break up prisoner hunger strikes and violent protests against small-cell prisons, 31 prisoners and 2 security officials perished. Police and Jandarma continued to use arbitrary arrest and detention, although the number of such incidents declined. Prolonged pretrial detention and lengthy trials continued to be problems. Prosecutions brought by the Government in State Security Courts (SSC's) reflect a legal structure that protects state interests over individual rights. The Government infringed on citizens' privacy rights.

Limits on freedom of speech and of the press remained a serious problem. Some members of the country's political elite, bureaucracy, military, and judiciary argue that the State is threatened by both "reactionaries" (Islamists) and "separatists"

(Kurdish nationalists) and continued to call for parliamentary and judicial steps—many involving potential curbs on freedom of expression—to meet these threats. Consequently, authorities banned or confiscated numerous publications and raided newspaper offices, which encouraged continued self-censorship by some journalists.

Police and the courts continued to limit freedom of expression by using restrictions in the 1982 Constitution and several laws, including the 1991 Anti-Terror Law (disseminating separatist propaganda), Article 312 of the Penal Code (incitement to racial, ethnic, or religious enmity), Article 159 (concerning insults to Parliament, the army, republic, or judiciary), Article 160 (insulting the Turkish Republic), Article 169 (aiding an illegal organization), the Law to Protect Atatürk, and Article 16 of the Press Law. During the year there were no reports of journalists being returned to jail or trial for violating the 3-year “parole” following their release under the August 1999 “suspension of sentences for journalists” law. The Committee to Protect Journalists (CPJ) reported that 14 journalists were imprisoned at year’s end, compared with 18 in 1999, but some local journalists’ groups dispute whether all of them are legitimate journalists.

In September documents became public that allegedly demonstrated that senior military figures had debated a plan of action in 1998 to discredit Fazilet and HADEP parties, Human Rights Association (HRA) Chairman Akin Birdal, and several journalists. Many of the proposed actions described in the document did, in fact, occur.

Prosecutors, courts, and the police continued to take actions against those accused of challenging the secular nature or unity of the State, generally on the basis of the constitutional restrictions on freedom of expression. In August the Government announced a decree that would have streamlined procedures for firing civil servants suspected of Islamist or separatist tendencies. President Sezer, in a popular decision widely viewed as upholding the rule of law, returned the decree and argued that Parliament must consider an issue of this weight. Turkish General Staff (TGS) Chief Huseyin Kivrikoglu issued a statement in August reiterating the necessity of such measures and urging Parliament to pass appropriate legislation to dismiss civil servants who secretly support antistate, Islamist activities, but Parliament had not done so by year’s end. Government pressure continued on the People’s Democracy Party (HADEP), widely seen as supporting Kurdish cultural and political positions. This included a number of police raids and detentions. In June and November, HADEP Secretary General Ahmet Turan Demir was convicted of “disseminating separatist propaganda” and “supporting an illegal organization,” his cases are on appeal.

The National Security Council (NSC), a powerful, constitutionally mandated advisory body to the Government composed of equal numbers of senior military officers and civilian ministers, which is chaired by the President, continued to urge the Government to fight against the perceived threat of radical Islam and accused Islamist media of extremism and undermining the State. In March Islamist former Prime Minister Necmettin Erbakan was convicted under Article 312 of the Penal Code for “promoting enmity” along religious lines, for a speech he made in 1994 in which he referred to parliamentarians as “infidels.” His appeal was turned down in July, and he was sentenced to 1 year’s imprisonment. However, his prison sentence was suspended by the “Law on Probation of Sentences and Deferment of Judgements.” In August the Ankara SSC prosecutor filed an indictment against Fetullah Gulen, the leader of a moderate Islamic “Tarikat,” a Sufi religious order, on charges of plotting to overthrow the State by force. That investigation continued at year’s end.

Both HADEP and the Islamist Fazilet Party, whose predecessor parties the Government previously had closed, continued to be the subjects of closure cases during the year for alleged anticonstitutional activities. The cases were pending at year’s end, and elected officials of both parties remained in office and were able to perform their duties.

The state of emergency governor, courts, police, and the state broadcasting oversight body denied the Kurdish population, the largest single ethnic group in the southeast, the use of its language in election campaigning, education, broadcasting, and in some cultural activities. Kurdish language broadcasting remains illegal, although some senior government officials, including the Prime Minister, Foreign Minister Ismail Cem, Deputy Prime Minister Yilmaz, and the head of Turkey’s intelligence service, have supported publicly the idea of legalizing such broadcasts, thereby opening public debate on the issue. The military has spoken out against this step. Although printed material in Kurdish is legal, the police continue to interfere with the distribution of some newspapers, and the governor of the emergency region banned some Kurdish-language publications in that predominantly Kurdish area. Kurdish music recordings are widely available, but bans on numerous songs and singers persist. Few radio stations play Kurdish music. The Government’s broadcast

monitoring agency closed some stations for playing banned Kurdish music. In all these cases, the Government's argument for doing so was the allegedly objectionable political content.

The police and Jandarma continued to restrict freedom of assembly and association by strictly enforcing existing laws against unlawful meetings and demonstrations. The police beat, abused, detained, and harassed some demonstrators but showed restraint in other instances. For example, during the Kurdish holiday of Nevruz, authorities for the first time granted permission for a major celebration just outside of Diyarbakir. The gathering of more than 80,000 persons was peaceful, with no detentions, and the police interacted positively with the crowd.

The Government continued to impose some restrictions on religious minorities and on some forms of religious expression, and, at times, imposed some limits on freedom of movement. The Government, which argues that some human rights groups pursue extremist political agendas, continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. The Diyarbakir branch of the leading human rights nongovernmental organization (NGO), the HRA was able to reopen in April but the Government ordered it closed again within 3 weeks. It reopened in October. Other NGO branches have been closed, temporarily or indefinitely, especially in the southeast. The HRA office in Van was closed from May to August but has since reopened; however, four HRA offices were closed at year's end for activities related to prison protests. Former HRA President Akin Birdal returned to prison in March to serve out his 9-month sentence for "inciting hatred and enmity" in nonviolent statements he made about the Kurdish problem and torture. He was released in September.

Violence against women, particularly spousal abuse, remained a serious problem, and discrimination against women persisted. Abuse of children and restrictions on ethnic minorities remained serious problems. Child labor remained a serious problem, although to a diminishing degree.

There are some restrictions on worker rights. Trafficking in women and girls to Turkey for the purpose of forced prostitution is a problem.

The situation in the southeast remained a serious concern. The Government has long denied the Kurdish population, who are a majority in the southeast, basic cultural and linguistic rights. The conflict between government security forces and separatist PKK terrorists slowed considerably, with only about 45 armed clashes during the year, according to the military. Past cases of extrajudicial killings went unsolved, and the police and Jandarma tortured civilians. The state of emergency authority abridged freedom of expression and association and put disproportionate pressure on Kurdish NGO's and HADEP. The number of villagers forcibly evacuated from their homes since the conflict began is estimated credibly to be between 380,000 and 1 million. There was one report of a village burning in October (see Section 1.e and 1.g). The Government gave permission for thousands of returns and initiated resettlement efforts; some villagers return by themselves. More than 10,000 persons have returned to their villages or moved to "consolidated villages" near their original homes.

In January the Government suspended the sentence of execution for convicted PKK leader Abdullah Ocalan, pending the results of his appeal to the European Court of Human Rights (ECHR). In December the ECHR accepted Ocalan's petition and will inquire into allegations regarding irregularities of his capture and trial in Turkey. Human rights observers, including the U.N. High Commissioner for Human Rights (UNHCHR), had raised several due process concerns in the Ocalan case.

The Government of Prime Minister Ecevit continued to place a strong emphasis on human rights issues; however, Parliament did not pass any human rights legislation in the first half of the year. In September the Cabinet debated and adopted, as a working and reference document, the "Copenhagen Criteria" report on steps Turkey must take to be in compliance with the European Union (EU)'s political criteria. The report, also known as the "Demirok Report," is an ambitious and comprehensive work plan of constitutional, legislative, and administrative reforms that addresses questions of free speech and assembly, the composition and powers of the NSC, and the role of the judiciary. In December Parliament passed the "Law on Probation of Sentences and Deferment of Judgements" granting conditional release to thousands of prison inmates and suspending the trials of hundreds of others. Some persons jailed on charges related to free expression, or to non-violent "support" for outlawed organizations, will benefit from this measure. Those convicted of torture will not be released, but those convicted of mistreatment or murder of detainees may benefit from the law. Partly in the context of EU accession requirements, officials continued to participate in a wide-ranging public debate on democracy and human rights. Senior jurists, the President, politicians, and public figures discussed amending the 1982 postmilitary coup era Constitution in order to allow greater indi-

vidual liberties. Public discussion of options for dealing with the southeast, particularly Kurdish cultural and linguistic issues, was vigorous. In addition the parliamentary Human Rights Committee issued a series of reports mid-year that detail the existence of torture in prisons and places of detention.

The armed forces emphasize human rights in training for officers and noncommissioned officers. Human rights groups attribute the limited number of human rights violations by military personnel to this effort. Human rights education in primary schools is mandatory, and it is an elective in high schools. Police and Jandarma also receive human rights training.

PKK abuses, which were common during its violent 16-year campaign against the Government and civilians, slowed considerably and were no longer an important factor of daily life in the southeast. In recent years, military pressure significantly reduced the PKK's effectiveness, and some PKK members—although not all—are heeding Ocalan's call for an end to the armed struggle and PKK withdrawal from Turkey. Violence declined to the point where the public's freedom to travel at night no longer is restricted in parts of the southeast. Thousands of heavily armed, militarily organized PKK members remain encamped in neighboring countries close to Turkey's borders.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—Credible reports of extrajudicial killings by government authorities continued. Although accurate figures were unavailable, figures were down from last year. For the first time in many years, the Human Rights Foundation (HRF) documentation center reported no deaths of detainees under torture. However, in December, 31 prison inmates and 2 security officials died following police intervention into widespread hunger strikes and other violent protests over F-type prisons (see Section 1.c.). Over the year, another five detainees died under suspicious circumstances such as alleged suicide. Investigations in these cases were rare, and in some cases the prisoners' associates confirmed the case as a suicide. More than 20 persons were shot to death by police, Jandarma, and the military allegedly for not heeding a "stop warning" during arrest or commission of a crime, illegal entry into the country, or in accidental shootings. In September Jandarma shot and killed Yilmaz Ozcan, allegedly while trying to capture him. Ozcan had cut down a tree without permission and was supposed to turn himself in for a jail sentence. According to the HRF, in October three villagers allegedly were killed by soldiers in Hakkari province when they returned to their home village to collect walnuts. Relatives who retrieved the bodies alleged that the victims' hands were tied behind their backs.

Some raids on criminals or alleged terrorist and militant safe houses by security forces resulted in deaths, sometimes due to excessive force. More than 20 persons died during such raids; most were allegedly members of the Hizbullah extremist group. Several police also died during the raids. More than 25 persons—mainly children or military personnel—were killed by mines in the southeast; many more were maimed.

The courts undertook investigations of most alleged extrajudicial killings; however, only a few yielded concrete results. The number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare. In November a police officer was arrested in Istanbul after fatally shooting a 14-year-old bystander during the apprehension of an unarmed robbery suspect. Punishments, when handed down, were generally minimal. Jurisdictional questions, efforts by the police leadership to protect officers, prosecutors' failure to investigate and bring charges, and the failure of courts to hand down appropriate sentences were all obstacles to resolving the problem of apparent security force impunity for such deaths. In some cases, monetary fines have not kept pace with the high rate of inflation.

After the Constitutional Court in January 1999 annulled part of the 1996 Provincial Authority Law allowing security officers to "fire directly and without hesitation" at persons who ignored a warning to stop, the Government did not issue a new regulation. Therefore, the old law on police duties and authorities remains in force, stipulating that police must apply certain procedures before firing.

In cases of past extrajudicial killings by police, Jandarma, or prison guards, 24 trials were begun during the year or continued from previous years. Another eight trials ended this year. Out of the 67 police or Jandarma on trial in these 8 cases, 2 were convicted and 65 were acquitted. In January the Court of Cassation reversed the Diyarbakir SSC's verdict that convicted six members of a Jandarma

antinarcotics squad accused of killing a businessman in 1991. A new trial for the six officers began in May.

The trial continued of six police officers who shot and killed two suspects in Adana in October 1999. Four of the officers face sentences of between 24 and 30 years, and the chief superintendent and another officer face 6 to 15 years in jail on charges of deliberate homicide. The officers remain on duty. Two of these officers also had been on trial for the January 1998 shooting deaths of three persons in Adana, along with another officer. The three were acquitted in April on the grounds of self-defense.

Following an investigation of the September 1999 incident at Ulucanlar prison, where Jandarma killed 10 prisoners and seriously injured others during a disturbance, a prosecutor ruled that no criminal prosecution of the security officials was necessary. A court upheld this decision in May. A trial also began in October in the case of 85 prisoners for the deaths of 5 other prisoners during the incident. In June the Ankara regional administrative court reversed the earlier "nonprosecution" decision, allowing a case to be opened against 150 Jandarma and soldiers. A report by the parliamentary Human Rights Committee into the Ulucanlar incident states that security forces "fired with an intent to kill" and inflicted torture. According to the report, medical treatment of prisoners involved in the incident was delayed or denied. Furthermore, autopsies of the prisoners who died indicated that some may have been shot at close range or tortured before being shot, contradicting the authorities' version of events. Then-committee chair Sema Piskinsut added publicly that since the autopsy findings did not meet international standards and some evidence such as prisoners' clothing was removed, the results were inconclusive.

In September the Izmir security directorate police investigation board recommended that the policemen accused of killing Alpaslan Yelden in custody in July 1999, in an attempt to get his confession, should be expelled from the force. A complaint was filed against the policemen at the Izmir public prosecutor's office. A court case continues against three police officers accused of murdering trade unionist Suleyman Yeter in March 1999 while he was in custody at the Istanbul security directorate political police center. Yeter had been a plaintiff in an ongoing trial of eight police officers who allegedly had tortured and raped detainees in 1997.

On January 20, a final Appeals Court upheld the sentences of 7 or more years' imprisonment for five police officers convicted of beating journalist Metin Goktepe to death in 1996. The court also ruled that the police superintendent on duty, Seydi Kose, should be tried for misuse of power rather than murder. In April, Kose was sentenced to 1 year's imprisonment (8 months' imprisonment on this charge), relieved from public service for 5 months, and fined the equivalent of 1 dollar. He was released for time served during the trial. Goktepe, a correspondent for the left-wing newspaper, *Evrensel*, died from wounds inflicted while in detention in Istanbul in 1996. Police initially denied that he was detained, then later said that he died from a fall.

The trial of 29 Jandarma soldiers and 36 anti-terror police officers charged with manslaughter in the 1996 beating deaths of 10 prisoners while quelling a prison disturbance in Diyarbakir, continued into its fifth year.

In March a Trabzon criminal court convicted two policemen for their role in causing the deaths of nine persons during riots in Gazi, Istanbul in March 1995. The trial, which began in November 1996, was moved from Istanbul for security reasons. The court sentenced one policeman to a total of 96 years' imprisonment (24 each for four victims) but reduced the sentence to 6 years and 8 months, in part because the victims had been acting illegally and because the defendant surrendered voluntarily. He was released for time served and suspended from public service for 4.5 months. Another policeman was given two 24-year sentences, but these were reduced, for the same reasons, to 3 years and 4 months (with a suspension from public service for 2.5 months). He also was released for time served. The other 18 policemen were acquitted because the court ruled that there was no definitive or convincing evidence against them.

The trial continued in Istanbul of policeman Abdullah Bozkurt for the 1994 shooting and killing of Vedat Han Gulsenoglu. Bozkurt has not appeared for trial sessions for a year, leading to continued postponements. According to the victim's lawyer, Bozkurt currently works as a policeman in Isparta. He is under a ruling of imprisonment in absentia for the duration of the trial. In July the court board decided to send a letter to the police station to locate the gun used in the incident, to initiate an investigation of why Bozkurt cannot be found, and to make a complaint against officials who did not carry out Bozkurt's arrest. There were no results of these actions at year's end.

In November the Diyarbakir Provincial Administrative Board decided to refuse a request for prosecution of police officers who allegedly killed 18-year-old detainee

Hamit Cakar in 1998. Cakar, detained following a hunger strike at Diyarbakir's HADEP provincial organization building, died in custody allegedly due to "cardiac problems." Lawyers for Cakar's family have appealed to the Supreme Administrative Court (Danistay.)

The ECHR ruled against Turkey on nine cases during the year in which persons had been killed in detention or taken into custody and then disappeared. In all of these cases, the court noted that domestic legal remedies were insufficient. However, in one case the court ruled that security forces were not responsible for the death of a Kurdish activist, and that the State had taken reasonable measures to find the real killers.

According to human rights monitors, there were no killings of high-profile, pro-Kurdish figures in the southeast or of proKurdish politicians, journalists, or lawyers. The HRF reported a nationwide total of 10 unsolved killings, some of which may have had a political component. In May the Diyarbakir Provincial Chairman for the right-wing National Action Party (MHP) was killed while walking near his home. In December a human rights activist in Eskisehir was allegedly abducted by persons claiming to be police officers, forced to drink pesticide, and left for dead (although he was found and taken to a hospital, where he recovered). According to information provided by the Governor of Eskisehir, the assailants were criminals posing as police officers.

The PKK discontinued its practice of targeted political murders, but it remains armed and in some cases clashed with soldiers, Jandarma, and state-paid paramilitary village guards. According to the Turkish National Police, during the year, 35 security officials and 24 civilians died in terrorist incidents, and 270 PKK members were killed by security forces (see Section 1.g.).

In January police discovered evidence of the Turkish Hizbullah terrorist group's kidnaping and killing of moderate Islamic business figures, religious leaders, and intellectuals, including prominent Islamist feminist Konca Kuris. The Government captured dozens of alleged Hizbullah militants and in July indicted 21 for a number of murders, including those of Ahmet Taner Kislali and Ugur Mumcu. An unrelated suspect in Mumcu's killing had been held in custody since the previous year; he was released from custody but remains on trial.

According to the office of the emergency region governor, over 2,600 persons in that region alone were detained this year on suspicion of links to Hizbullah (see Section 1.g.). Some of these were teachers and imams. Many alleged Hizbullah members claim that they were tortured in custody, a claim that has been supported in some cases by medical evidence. Some murders from previous years, especially of moderate Kurdish leaders, may have been committed by Hizbullah. A Hizbullah suspect reportedly confessed in police custody that he murdered Ramazan Sat in 1992 for "being a PKK member."

Far-left armed groups, such as Revolutionary Left (Dev Sol/DHKP-C), the Islamic Eastern Raider's Front (IBDA-C), and the Turkish Workers and Peasants' Liberation Army (TIKKO), continued to commit acts of terrorism, in some cases leading to deaths.

b. Disappearance.—Unlike the previous year, there were no reports of disappearances of political activists. Accurate statistics on the disappearance of those previously under detention, or seen being taken into custody by security forces or law enforcement officials, are hard to confirm. However, the HRF claims that there were no such disappearances in 2000, compared with 36 of this type in 1999.

In March a trial ended for two police officers in connection with the disappearance of suspect Mural Yildiz in 1995. The two were convicted of "negligence of duty;" a 3-month prison term was converted to a fine of about \$2 (1.2 million TL). The judge apologized to Yildiz's mother for the fact that inflation had rendered the monetary fine meaningless.

There was no new information available on the case of Aydin Esmer, who disappeared according to Amnesty International (AI) in September 1999 while returning to his home in Diyarbakir province from Mus province.

The body of Omer Cinar, who disappeared in Istanbul in November 1999, was discovered in one of the "grave houses" where Hizbullah operatives killed and buried their victims. His body was found in the Beykoz district of Istanbul in January, along with nine other bodies, and police confirmed his identity.

No charges have been filed in the 1998 disappearances from Izmir of editors Neslihan Uslu, Hasan Aydogan, Metin Andac, and Mehmet Mandal. The 1997 disappearances of Ilyas Eren and 73-year-old Fikri Ozgen, who allegedly were taken into custody by plainclothes police, were not resolved.

The Government made efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operates the Bureau for the Investigation of Missing Persons, which is open 24 hours a day. Since 1996, according to the Min-

istry of Interior, 425 applications of a political nature for missing persons were made. Of these, 88 were found alive, 18 were in prison, 46 died, and 273 were still missing at year's end. Most families of persons who disappeared hold the Government and security forces responsible and consequently avoid contact with the government office. AI criticizes the bureau's findings for falling short of the thorough and impartial investigations required in accordance with international standards. The Ankara police operate a telephone number through which the public can obtain information about detainees.

The PKK's practice of kidnaping young men or threatening their families as part of its recruiting effort and abductions by PKK terrorists of local villagers and state officials has virtually ended, due to reduced PKK capabilities in the southeast and calls by its captured leader Ocalan for the PKK to withdraw from its former operating areas in the country.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, members of the security forces continue to torture, beat, and otherwise abuse persons regularly. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and government initiatives designed to address the problem, torture continues to be widespread. However, based on reports from a number of sources, the incidence of torture appears to have declined somewhat, especially in the southeast, where there have been fewer political detentions.

Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes usually suffer some torture at the hands of police and Jandarma during periods of incommunicado detention before they are brought before a court; ordinary criminal suspects also report frequent torture and mistreatment by police. The HRF estimates the number of credible applications by torture victims at its 5 national treatment centers to be approximately 1,030 in 2000, compared with some 700 in 1999. These figures include complaints stemming from previous years' incidents. The HRF believes that these numbers seriously underrepresent the actual number of persons tortured while in detention or prison. Human rights advocates believe that thousands of detainees were tortured during the year in the southeast, where the problem is particularly serious, but that only 5 to 20 percent report torture because they fear retaliation or believe that complaints are futile.

Some of the factors affecting the rate of torture are the use of incommunicado detention and the number of detentions in general; reduced PKK violence, which has eased treatment by security officials; and increased concern about the problem from many sources. Human rights monitors report improvement in some areas of the country, especially in the first 6 months of the year, but problems continued, especially in more rural areas. All report that torture remains widespread in the southeast and in large cities.

Because the arresting officer is responsible for interrogating the suspect, officers frequently resort to torture to obtain a confession that would justify the arrest. There is allegedly a difference in police practice for those arrested for ordinary crimes (who are beaten until they give a confession) and those arrested for "political" crimes. If suspects detained under the Anti-Terror Law do not produce information and confessions, interrogators often allegedly shift from beatings to electric shock, cold water from high-pressure hoses, and other methods. Observers say that security officials often torture political detainees simply to express anger and to intimidate the detainees.

Human rights monitors and medical experts say that security officials often use methods that do not leave physical traces, such as beating with weighted bags instead of clubs or fists. A new method that was reported is the application of electric shocks to a metal chair where the detainee sits, rather than directly to the body. Commonly employed methods of torture reported by the HRF's treatment centers include: Systematic beatings; stripping and blindfolding; exposure to extreme cold or high-pressure cold water hoses; electric shocks; beatings on the soles of the feet (*falaka*) and genitalia; hanging by the arms; food and sleep deprivation; heavy weights hung on the body; water dripped onto the head; burns; hanging sandbags on the neck; near-suffocation by placing bags over the head; vaginal and anal rape with truncheons and, in some instances, gun barrels; squeezing and twisting of testicles; and other forms of sexual abuse. In some cases, multiple torture methods (e.g., hanging and electric shocks) are employed at the same time. Other methods used are forced prolonged standing, isolation, loud music, witnessing or hearing torture, being driven to the countryside for a mock execution, and threats to detainees or their family members.

Female detainees often face sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers,

female detainees often are touched, insulted, and threatened with rape. A poll conducted by an NGO called the Legal Counsel Project Against Sexual Harassment and Rape (affiliated with the HRA) indicated that three-quarters of female detainees had experienced sexual violence, but only one-sixth of those who had undergone such violence reported it to the authorities.

The deputy mayor of Diyarbakir, Ramazan Tekin, was detained in January and claimed that he was subjected to severe torture. As a result of testimony given during this detention, three HADEP mayors were arrested the following month for "assisting the PKK" (see Sections 2.b. and 4). According to news reports, in March the president of HADEP's women's commission in Mardin, Gulistan Durc, alleged that she was tortured while in detention. Durc, who was detained under suspicion of supporting the PKK, was sent to a Diyarbakir hospital for treatment following a medical exam. The governor refused permission to put the police officers involved on trial. The prosecutor opposed this decision and appealed it to the regional administrative court, which upheld the governor's ruling. The prosecutor then agreed to drop the case; Durc's lawyer has appealed to the Mardin penal court.

In May the Izmir SSC acquitted Dr. Zeki Uzun of charges that he supported the PKK by providing medical treatment to two female terrorists. Uzun, a gynecologist who volunteers at the HRF Izmir treatment and rehabilitation center, was taken into custody in October 1999 during a raid on his private clinic by anti-terror police. He credibly reported being tortured in detention. Uzun filed a formal complaint against the Izmir anti-terror department, but a prosecutor concluded that there were insufficient grounds to pursue a case. In August Dr. Uzun opened a compensation case against the Interior Ministry for his torture and against some newspapers for slander. His attorney applied to the ECHR with a complaint of prolonged detention, torture, and violation of Dr. Uzun's individual rights.

In May the Public Prosecutor's Office in Mardin indicted seven police officers for allegedly raping and torturing a female suspect in 1992. When preparing the indictment the prosecutor accepted an alternative medical report by the HRF's Istanbul torture treatment center. Prosecutors and courts have used such reports only a few times, since normally all medical reports come from state-employed doctors. The alleged victim was hospitalized several times during the period of her detention. The police officers remain on duty.

Government officials admit that torture occurs but deny that it is systematic. In September State Minister for Human Rights Rustu Yucelen said publicly, after visiting a detention center in Icel, that the State was opposed to torture and that "speculation" that the police were using torture was initiated by powers acting against Turkey. In response to criticism from the HRA, he said that his remarks had been misunderstood and that torture was against state policy. The Ecevit Government was in regular dialog with the Council of Europe's Committee for the Prevention of Torture (CPT). The Government accepted an unannounced visit by the CPT in July and invited members of the committee to help in the prison crisis in December, and allowed the publication of 1999 and 2000 CPT visit reports.

Regulations on detention were supplemented in 1999 by a directive against torture from the Prime Minister, which called for public prosecutors to make unscheduled inspections of places of detention. The Parliamentary Human Rights Committee also has publicly called on prosecutors to carry out this aspect of their job more effectively. The Prime Minister asked for reports from prosecutors every 3 months on this process. According to officials at the Ministry of Interior, over a thousand inspections have been made and these reports are on file with the High Council for Human Rights Coordination. According to Minister for Human Rights Yucelen, from July to September, a total of 2,309 inspections (at both police and Jandarma stations) were carried out. The reports were not made public. Although some provincial authorities said that the inspections uncovered no deficiencies, others claimed that they led to some improvements in practices. Human rights observers say that the inspections and reports are cursory at best, do not include any detainee interviews, and give a false impression of government attention to the problem. They also question prosecutors' ability to influence police practices. There is little public awareness of these visits.

Private attorneys and human rights monitors continue to report uneven implementation of the right to immediate access to an attorney by those arrested for common crimes and access after 14 days of detention for those detained under the Anti-Terror Law. No immediate access to an attorney is provided for under the law for persons whose cases fall under the jurisdiction of the State Security Courts. This includes individuals suspected of drug trafficking, smuggling, and crimes under the Anti-Terror Law. The lack of early access to an attorney is a major factor in the occurrence of torture by police and security forces.

State-employed doctors give all medical exams for detainees. The Government maintains that medical examinations occur once during detention and a second time before either arraignment or release; however, the examinations generally are exceedingly brief and informal, often lasting less than a minute. In some cases doctors were brought reports to sign, but no examinees. Former detainees assert that some medical examinations occur too long after the event to reveal any definitive evidence of torture. Lawyers contend that medical reports—their only basis for filing a claim of torture—are not placed regularly in prisoners' files.

Pressures against doctors continue. In 1999 the governor of Istanbul tried to get a doctor fired from her job at Istanbul University. The doctor, Sebnem Korur Fincanci, had certified that trade unionist Suleyman Yeter had been killed under torture while in detention (see Section 1.a.). Fincanci filed suit and a compensation trial against the governor opened in May at the Istanbul Penal Court. She claimed that he had accused her, in a letter to the university president, of "having sympathy for illegal left-wing views" and going to "extreme" lengths to prove that the police officers were guilty of Yeter's death. The court ruled that the trial could take place since writing the letter was outside the governor's official duties. However, in November the Penal Court decided not to pursue the case and forwarded the file to the Administrative Court for its consideration. Fincanci has appealed.

Citing security reasons, members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in the intimidation of both the detainee and the physician. Since September, however, Health Ministry regulations have allowed doctors to ask security force members to leave during examinations. However, some doctors claim that in practice they cannot do so because they could face disciplinary procedures or court cases. According to the Medical Association and other human rights observers, the presence of a security officer—at times the one allegedly responsible for torture—can lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or report physical findings but not draw reasonable medical inferences that torture occurred.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice there are few such prosecutions. Dr. Nur Birgen, chairperson of a state forensic medical facility in Istanbul, was convicted in December of giving false medical reports and concealing evidence of torture. The court sentenced her to 3 months' imprisonment, less than the normal 6-month minimum sentence, and then commuted the sentence to a suspended \$1.50 (1 million TL) fine. Birgen had been sanctioned in 1998 by the Turkish Medical Doctor's Association, and her medical license was ordered suspended for 6 months. However, the Justice Ministry concluded that since Dr. Birgen is a state employee, the suspension fell under a September 1999 law that offered amnesty for administrative punishments for civil servants. The Medical Association filed suit objecting to this decision and the Ankara Administrative Court ruled that the Justice Ministry's action was illegal. Meanwhile, a trial continues against a lawyer who pressed for Birgen's suspension for insulting her by comparing her to the Nazi doctor Josef Mengele.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment is rare, and accused officers usually remain on duty pending a decision, which can take years. According to the TNP, judicial action taken during the year against police charged with torture or mistreatment resulted in 72 convictions, 273 acquittals, and 19 ongoing prosecutions. Administrative decisions determined that no trial was needed in 252 other cases, and that no charges needed to be brought against 140 other officers accused of abuse. During the year, 63 police officers also were given administrative punishments, such as suspensions, for torture or mistreatment, while a decision not to investigate was given in 890 cases. According to the Jandarma, 253 Jandarma were prosecuted during the year, resulting in 52 convictions, 53 acquittals, and 149 ongoing trials. No military personnel were prosecuted for torture; there is no new information on previous years' trials.

According to the Justice Ministry, during the year 1,258 cases were brought to prosecutors against police and Jandarma, and of these, 664 investigations are ongoing; 422 indictments were forwarded to the courts, and 172 cases did not go forward. The courts concluded 165 of the 422 cases they received, resulting in 71 convictions, 79 acquittals, and 15 not authorized or improper jurisdiction decisions; another 257 cases were ongoing.

Legal, administrative, and bureaucratic barriers impede prosecutions and contribute to the low number of convictions for torture. The December 1999 Civil Servant Prosecution Law has not resulted in an immediate change in approach by the

State to allowing prosecutions, since civil servants are generally immune from direct prosecution unless their superiors grant permission to investigate them. The law authorizes prosecutors to begin collecting evidence immediately to substantiate claims of torture by security officials, but in practice this rarely occurs. Within a 30-day deadline, with a possible 15-day extension, a civil servant's supervisor supposedly must decide whether that employee can be prosecuted (or whether the employee is to be disciplined otherwise). In at least one high-profile case—that of Ramazan Tekin, the deputy mayor of Diyarbakir—this deadline was not observed. This provision has been widely criticized. Many jurists as well as human rights observers have said that the new law still falls short of the needed reform. The law allows prosecutors to open investigations against persons suspected of falsely accusing a civil servant based on “enmity, hatred or slandering.”

The failure to enforce domestic and international bans on torture fosters a climate of official impunity that encourages the systematic abuse of detainees. Detainees state that prosecutors ignore their claims of abuse during interrogation. Some prosecutors believe that all allegations of torture are manipulated by political organizations such as the PKK and claim that detainees fabricate torture claims and injure themselves to accuse and defame the security forces.

Under the criminal procedures law, prosecutors may initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects. In cases where township security directors or Jandarma commanders are accused of torture, the prosecutor must obtain permission to initiate an investigation from the Ministry of Justice, because these officials are deemed to have a status equal to that of judges. Finally, in the state of emergency regions, any prosecution or legal action directed at government authorities must be approved by the state of emergency Governor. Approval is rare.

In February the then-chair of Parliament's Human Rights Committee, Sema Piskinsut, and two other Members of Parliament (M.P.'s) led an unannounced early morning raid on an Istanbul police station. This unprecedented raid was based on tips that this particular police station was notorious for torture, gathered during a prison research trip from women and children who were prisoners. The M.P.'s seized several instruments of torture, including a so-called “Palestinian hanger,” and required the police chief to sign a statement affirming that these were found in his station. She showed the torture implements to the press and publicly called for an investigation. When the investigation appeared to be stalled, another M.P. on her committee pressed the Interior Ministry for action. According to the Turkish National Police, the many administrative processes necessary to investigate the sub-provincial security director and the chief of the police station, were nearly complete at year's end. However, the public prosecutor decided not to pursue a judicial case against the two officials. The police station has been pulled down and a new station is being constructed, according to an Istanbul M.P. Soon after the raid, Interior Minister Tantan met with Parliament's Human Rights Committee and said publicly that “it is a mistake to define human rights only as violations by security forces.”

A higher court reversed a January decision by the Iskenderun chief public prosecutor not to prosecute anti-terror police accused of sexually harassing, raping with a truncheon, and torturing two female high school students arrested in March 1999. The trial of the four police officers began in March. However, at the same time, the conviction of the two girls on grounds of belonging to a terrorist organization and firebombing a bus—a conviction based solely on the confessions allegedly obtained under torture—was upheld by the Court of Cassation in June. The girls are serving 12-year and 18-year sentences.

Five defendants in Istanbul have been jailed since 1995 without having been convicted (they are accused of being members of TIKKO). Their trial is pending the outcome of a case against five police officers accused of torturing them. At a September hearing in the case, none of the accused police officers appeared in court, the case was postponed again, and the detainees were sent back to jail.

Songul Yildiz was acquitted in 1997 on charges of being a PKK member. In 1997 two policemen received 10-month suspended sentences for mistreatment and were suspended from the police force for 2.5 months; both were still on duty by year's end.

A case against 12 policemen accused of torturing the September 1997 “Musa Anter Peace Train” detainees continues, but charges may be suspended under a new law (see Section 4).

On November 15, the Manisa court sentenced 10 policemen to between 5 and 10 years in jail for torturing 15 teenagers in Manisa in 1995. The court found that the students exhibited evidence of physical and psychological torture while under detention; lawyers for the teenagers said that their clients were tortured by means of beating, electric shocks, hosing with cold pressurized water after having been

stripped, and sexual abuse. The policemen previously had been acquitted twice due to lack of evidence, but each time the appeals court overruled the acquittal and ordered a retrial. The policemen cannot appeal the November decision again, but have applied to the Court of Cassation to reduce their sentences. The case against the students at the State Security Court in Izmir ended with their acquittal in late November. The Court of Cassation had overturned the January 1997 convictions of 10 of the students on charges of belonging to an illegal leftist organization; 4 other students originally were acquitted.

Police harass, beat, and abuse demonstrators (see Section 2.b.). Police also harass and abuse journalists (see Section 2.a.).

The ECHR ruled against Turkey in several cases of torture from previous years. In one case the victim had suffered brain damage. The ECHR noted that domestic legal remedies were insufficient because prosecutors had not taken adequate steps to investigate the torture claims.

Prison conditions remain poor. With some exceptions (i.e., for high-profile political prisoners or for those with gang connections), prisons remain plagued by overcrowding, underfunding, and very poor administration. Despite the existence of separate juvenile facilities, juveniles and adults sometimes are incarcerated together, and most prisons lack adequate medical care for routine treatment or even medical emergencies. Families often must supplement the poor quality food. Human rights observers estimate that at any given time, at least one-quarter of those in prison are awaiting trial or the outcome of their trial.

In most cases, prisons are run on the ward system. Prisoners with similar ideological views are incarcerated together and, in some cases indoctrinate and punish their own, resulting in gang and terrorist group domination of entire wards. The Ministry of Justice said publicly in December that it has not fully controlled the prisons since 1991. Efforts by the Ministry of Justice over the past year to construct and transfer inmates to a small-group "F-type" cell system were criticized strongly by human rights groups and prisoners' groups. Groups linked to terrorist organizations claimed that the ward system was a more humane form of incarceration. Critics of the F-type cells claim that these cells allow authorities to isolate single inmates or small groups of prisoners from other inmates, and to control prisoners' access to water, food, electricity, and toilets.

In November and December, hundreds of prisoners, mostly affiliated with far-left terrorist groups, went on hunger strikes to protest F-type prisons, claiming that they intended to starve themselves to death. The Government entered the prisons in December, after the fast had reached its sixtieth day and negotiations to end it had not been successful. During and after the government intervention, at least 31 inmates and 2 Jandarma were killed. Weapons and other illegal materials were found in the cells during the operation. The cause of many of the deaths—including those who allegedly set themselves on fire on the order of their organization—is unclear. The Government, not following normal practice, refused to allow prisoner families or lawyers to see autopsy results. No open investigation has been planned, although there may be internal disciplinary proceedings for some prison officials. Some prisoners were transferred to newly-opened cell-system prisons. Two members of the Parliamentary Human Rights Committee visited one of the new prisons at the end of the year. According to their report, 341 prisoners from 5 other jails had been transferred to the new cell-system prison. Some of them, as well as prisoners in other jails, continued their hunger strikes while many others complained of brutal handling by the authorities or inadequate medical treatment. Prisoners' strikes and demonstrations by supporters' groups and human rights organizations, particularly the HRA, continued and in many cases led to detentions. Four offices of the HRA were closed in November and December for activities relating to the prison protests (see Section 4.)

During an attempt to bring prisoners to their court appearances in July, prison authorities injured 61 inmates at Burdur Prison. One prisoner's arm was torn off by machinery used to break down a wall. Inmates alleged that they were tortured following the incident.

In May and June, the Parliament's Human Rights Committee, under then-chairman Sema Piskinsut, released a series of comprehensive and highly critical reports on prison conditions throughout the country. In October Piskinsut was not re-appointed to chair the committee. Some critics of the Government claim that this was in response to her activism. She was replaced by Huseyin Akgul of the MHP. The reports were based on 2 years of visits by the committee (which includes members from all 5 political parties represented in Parliament) and interviews with over 8,500 inmates. The reports, which also included evaluations of some detention sites such as police cells, alleged that torture remains widespread in the prison system and that those in positions of authority, including prosecutors and provincial gov-

ernors, were not doing enough to ensure adequate living conditions for inmates. AI noted that these reports represented a significant step forward by officials in documenting torture as well as prison conditions.

The Government permits prison visits by representatives of some international organizations, such as the European Committee to Prevent Torture and the U.N. Special Rapporteur on Torture. The CPT visited in July, and again in December. However, the Government does not allow NGO's to visit prisons except for individuals acting in their capacity as lawyers. A delegation from AI visited in April and Human Rights Watch (HRW) conducted research into prisons over the course of the year. Delegations from AI and HRW met with Turkish officials as part of their research into prison issues; however, AI and HRW assert that during their return visits in December, following the prison crisis, government officials declined to meet with them.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention continued to be problems. To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime. The maximum detention period for those charged with individual common crimes is 24 hours, which may be extended by a judge to a maximum of 7 days; this period is longer for groups. In the state of emergency area, the use of a prosecutor's detention order is in practice extremely rare. According to the HRA, there was significant improvement in the first 8 months of the year in numbers of detentions (21,866) compared with the same period in 1999 (40,380). However, the HRF claims that in the final 2 months of the year there was an upsurge in unregistered detentions in connection with prison protests.

Under the Criminal Code, those detained for individual common crimes are entitled to immediate access to an attorney and may meet and confer with an attorney at any time. In practice, legal experts assert that the authorities do not always respect these provisions and that most citizens do not exercise this right, either because they are unaware of it, or because they fear possibly antagonizing the authorities. The court consistently provides attorneys only to minors or deaf-mutes who cannot represent themselves. By law a detainee's next of kin must be notified as soon as possible after arrest. In criminal and civil cases this requirement is observed.

In state security cases, the pretrial detention period without charge is longer, and the law provides for no immediate access to an attorney. The lack of early access to an attorney is a major factor in the continued use of torture by security forces. Persons detained for individual crimes under the Anti-Terror Law must be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of 48 hours, extended for up to 4 days at a prosecutor's discretion and, with a judge's permission, which is almost always granted, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days.

Private attorneys and human rights monitors reported uneven implementation of these regulations, especially attorney access. AI asserts that lawyers rarely are permitted adequate access to their clients, even after the fourth day, although they may be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often leaves the detainee's lawyer and family members with no information about the detention, and police often refuse to disclose the place of detention or even the fact that the detainee is being held. Current regulations on detention and arrest procedures exempt the authorities from the obligation to inform relatives in the case of state security detentions. In addition legal limits on detention periods at times are circumvented by subjecting a detainee to successive charges or falsifying detention records. The police maintain 24-hour monitoring bureaus that are required to record detentions on computers. According to the HRA, in the state of emergency region the police detain, beat, and then release groups after the maximum period of detention in order to intimidate them.

Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence.

The decision concerning early access to counsel in such cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, sometimes for years. Many such cases involve persons accused

of violent crimes, but there are cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials.

On several occasions, the police beat and detained peaceful demonstrators (see Sections 1.c. and 2.b.). During a September protest over prison conditions officers beat the relatives of prisoners. The police also beat and detained members of political parties (see Section 3). Students detained while making a press statement in Istanbul in June claimed that they were tortured, and one alleged that the police broke her arm.

The Government does not use forced external exile. It retains the authority to authorize internal exile (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches; however, various officials acknowledge the need for legislative changes to strengthen the judiciary's independence. The Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power; however, in practice the Government and the NSC periodically issue announcements or directives about threats to the State, which could be interpreted as instructions to the judiciary. The High Council of Judges and Prosecutors, which is appointed by the President and includes the Minister of Justice, selects judges and prosecutors for the higher courts and is responsible for oversight of those in the lower courts. The composition of the High Council could impact the independence of the judiciary; although the Constitution provides for security of tenure, the High Council controls the career paths of judges through appointments, transfers, promotions, and other matters, and its decisions are not subject to review. Various government and judicial officials during the year discussed the need to adopt legislative changes to strengthen the independence of the judiciary.

The judicial system is composed of general law courts, military courts, the SSC's, and the Constitutional Court, the nation's highest court. The Court of Cassation hears appeals for criminal cases, including from the SSC's. The Council of State hears appeals of administrative cases or those between government entities. Most cases are prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants, including police, can be tried only after administrative approval from the governor or subgovernor, which are centrally appointed positions.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the banning of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court as well. However, the Court may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

Military courts, with their own appeals system, hear cases involving military law, members of the armed forces, and may try civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft.

SSC's are composed of panels of five members: Three civilian judges and two prosecutors. SSC's sit in eight cities and try defendants accused of crimes such as terrorism, gang-related crimes, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the State." These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts may be appealed only to a specialized department of the Court of Cassation (Appeals Court) dealing with crimes against state security. During the year, the SSC's dealt mainly with cases under the Anti-Terror Law and Section 312 of the Criminal Code. Human rights observers cite prosecutions of leaders of the political Islamic movement, nonviolent political leaders associated with the Kurdish issue, and persons who criticize the military or the Government's practices as evidence that the SSC's often serve a primarily political purpose.

PKK leader Abdullah Ocalan, sentenced to death in 1999, remained in prison at year's end. Carrying out the death sentence still requires action and approval by the Justice Ministry, the Council of Ministers, Parliament, and the President. The Government in January decided to agree to the request of the ECHR to suspend the death sentence process until the court completes its judicial processes. In December the ECHR accepted Ocalan's petition and will inquire into allegations regarding irregularities of his capture and trial in the country.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complain that they have few resources to do so, and many have begun to call for "judicial police" who could help investigate and gather evidence. Human rights observers and Ministry of Justice officials note that problems can arise from the fact that the police report to the Interior Ministry, not to the courts.

Prosecutors are charged with determining which law has been broken and objectively presenting the facts to the court. Defense lawyers do not have equal status with prosecutors. There is no jury system; a judge or a panel of judges decides all cases. Trials for political crimes or torture frequently last for months or years, with one or two hearings scheduled each month. Proceedings against security officials often are delayed because officers do not submit statements promptly or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely oc-

where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels. According to a 1999 law that permits wider wiretapping, a court order is needed to carry out a wiretap. However, in an emergency situation, a prosecutor can grant permission. The wiretap can last only 3 months, with two possible extensions of 3 months each.

In the provinces under emergency rule, the regional state of emergency governor empowers security authorities to search without a warrant residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association maintains that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. Seven provinces remain under "adjacent province" status, which authorizes the Jandarma to retain security responsibility for municipalities as well as rural areas, and grants the provincial governor several extraordinary powers. Due to the improved security situation, the use of roadblocks in the southeast decreased.

With the diminution of PKK terrorism, the formerly widespread practice of evacuating villages to prevent their giving aid to the PKK has lessened; however, there was a report of one village re-evacuation occurring in October (see Section 1.g.).

Some elements of society complain that a ban on the wearing of religious head coverings in government offices, other state-run facilities, and universities interfered with citizens' religious observance (see Sections 2.b. and 2.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since 1984 the PKK has waged a violent terrorist insurgency in southeast Turkey, directed against both security forces and civilians. In response, police, Jandarma, village guards, and the armed forces conducted an intense campaign to suppress PKK terrorism. However, since 1999 almost all such violent activity by the PKK has ceased, although some armed clashes between the two sides continued to occur. Security forces continued to target active PKK units as well as those persons they believed supported or sympathized with the PKK. There continued to be few reports of government and PKK human rights abuses committed against non-combatants. According to statistics from the governor of the state of emergency region, 23,415 PKK members, 5,029 security force members, and 4,460 civilians have lost their lives in the fighting since 1987. During the year, 29 members of the security forces and 15 civilians died, according to the military.

The Government's state of emergency, renewed in Diyarbakir, Hakkari, Sirnak, and Tunceli provinces for 4 months in November, imposes stringent security measures in those four southeastern provinces. The regional governor for the state of emergency may censor news, ban strikes or lockouts, and impose internal exile. The decree provides for doubling the sentences of those convicted of "cooperating with separatists." Informants and convicted persons who cooperate with the State may receive rewards and reduced sentences. Only limited judicial review of the state of emergency governor's administrative decisions is permitted.

In October the governor of Tunceli formally abolished the food embargo in that region, the last large-scale rationing in the region. Food rationing also had been justified as a means of denying logistical support to the PKK. Provincial authorities deny villagers access to some high pastures for grazing, citing security concerns, but have allowed other villages access to their high pastures.

Unlike in the previous year, there were no credible allegations of serious abuses by security forces during the course of operations against the PKK.

The Government organizes, arms, and pays a civil defense force in the region of more than 65,000 persons, which is known as the village guards. Participation in this paramilitary militia is mainly voluntary, but villagers faced danger from both the PKK and the Government when choosing whether or not to join the guard force. Village guards have a reputation for being the least disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contribute to this problem, and in some cases Jandarma allegedly have protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" are viewed as those most responsible for abuses. However, the incidence of credible allegations of serious abuses by security forces, in the course of operations against the PKK, is significantly lower than in the past.

There was a report of one village re-evacuation during the year (see Section 1.e). Five residents of Akcapinar hamlet said Jandarma burned 16 tents, one home, and crops there in early October. Residents had apparently returned to the hamlet in May after having received permission from local officials but without the requisite permission from higher levels within the Government. Between 1984 and 1999, and particularly in the early 1990's, a large number of persons were displaced forcibly from villages. The practice was justified by the Government as a means of protecting civilians or preventing PKK guerrillas from obtaining logistical support from

the inhabitants. Provincial authorities deny villagers access to some high pastures for grazing, citing security concerns, but have allowed other villages access to their high pastures. The Government reported that 378,000 persons had “migrated” (it disputes the term “evacuation”) from 3,165 state of emergency region villages between 1994 and 1999; many left before that due to the fighting. The highest credible estimate of displaced persons is as high as 1 million. Voluntary and assisted resettlements have begun in the region. In some cases, persons may return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned, but there is a noticeable increase in the pace of returns.

After the middle of the year, there appeared to be an upsurge in the rate of returns and return requests. About 10,000 persons returned to their villages between June and August, according to the state of emergency governor. In July he declared that 65,000 of the 131,000 return requests filed with his office were “appropriate.” According to the Jandarma, over 28,000 persons returned to the OHAL region and adjacent provinces during the year. They state that there are an additional 238,900 applications for returns to 621 villages and 461 smaller hamlets, but only about a third of these claims are appropriate (mainly for security reasons) at this time. A July HADEP “migrant commission” report claimed HADEP had over 23,000 additional requests for returns, each petition representing a family. However, some persons included on return petitions may not have been aware that a request had been made for them. Furthermore, many evacuees have neither the will nor the economic means to return.

Despite the increased pace, returns to date represent a fraction of the number of persons who may wish to return. Governors continued to provide building materials to some returnees. Activists remain critical of government efforts to resettle villagers in government-constructed “central villages” instead of original village sites. Local Jandarma impose limitations on some resettlement efforts. According to news reports, in January Jandarma prevented the return of 15 families to a village in Sirnak province. The families claimed that the village guards who currently occupy their village had burned their homes and cut down their orchards.

The Government continues to deal with the problem of the hundreds of thousands of persons displaced from their villages and hamlets. According to the Government, its “East and Southeast Anatolia Action Plan” began in May. The Plan, as well as other government programs, has focused on providing assistance to displaced persons and support for return to villages or relocation to new, centralized villages. Over 4,000 persons now live in centralized villages. From June to October, financial and other assistance (including young trees, animals, beehives, and looms) was provided to over 14,000 persons in 96 villages and 87 hamlets.

Regional cities in the southeast have doubled and tripled in size in the past decade, without a commensurate increase in services such as schools. Many persons from the area went to major cities in the West of the country. A 1998 parliamentary committee investigation concluded that the State was partly responsible for the displacements and had failed to compensate adequately villagers who had lost their homes and lands in the region. However, regional officials report that flows of migrants nearly stopped during the year due to waning PKK activity in the countryside.

In contrast to the national average of 45 children per classroom, there are typically 60 to 90 children per classroom in eastern and southeastern provinces and as many as 80 to 100 in Diyarbakir (most schools in the southeast employ a shift schedule for classes to accommodate the large numbers). According to the Government, in the southeast there was a noticeable improvement in the number of students able to attend classes, partly due to improved availability of teachers and schools, and partly due to the requirement for an 8-year education. During the 1999 to 2000 school year, there were 270,000 students in secondary education in the southeast, compared to 240,000 the year before. In the state of emergency region, 450 schools are closed, although none were closed during the year. Although the Government has built boarding schools in the region’s larger towns, these new schools have not met the demand. Although schools remained open in most urban centers in the southeast, rapid migration led to severe overcrowding of city schools and chronic teacher shortages. Despite a longstanding tradition of boarding schools in the rural areas of the country, some ethnic Kurdish leaders have expressed concern that the Government constructed boarding schools, rather than rebuild local schools, in order to accelerate the process of Kurdish assimilation. According to press reports, soldiers in one command of the state of emergency region repaired 167 village schools in preparation for the 2000 to 2001 academic year and during the past year spent about \$700,000 (300 million TL) on health, education, and infrastructure projects in the region.

During the year, Turkish ground forces with air support conducted several operations in northern Iraq against the PKK. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan cooperated with the Turkish Government in shutting down certain PKK facilities in northern Iraq. Turkish government policy is to target only PKK fighters in northern Iraq; however, Turkish planes accidentally killed 38 civilians in Sedakan, northern Iraq, during an operation in August against the PKK. The Government is taking steps to compensate the victims' families. At the end of the year, an operation against the PKK involving hundreds of Turkish soldiers continued in northern Iraq, according to press reports.

In February Parliament renewed legislation allowing members of terrorist organizations (and criminal gangs) to apply for amnesty or reductions in sentences, if they provide useful information that helps lead to the dissolution of the organization. Government figures are not available for the number of persons who applied for the amnesty, but human rights attorneys speculate that the number is above 2,500. According to press reports, many applicants, including some who were members of Turkish Hizbullah, have obtained sentence reductions or release.

The PKK remained almost completely inactive during the year. There were reports of internal divisions over jailed PKK leader Ocalan's call for ending the armed struggle, but by year's end no rival faction appeared to have gained control of the group. Apparently on orders from the PKK leadership, several groups of 8 to 10 former militants turned themselves in to the authorities, asking for amnesty. They are all currently standing trial for charges relating to membership in the PKK. Although PKK attacks against civilians and law enforcement personnel in the southeast have virtually ended, the military did engage the PKK, killing several alleged terrorists. Government authorities acknowledge that the level of violent conflict is considerably lower than in the past and that the main reason is an absence of PKK activity and the fact that the security forces were able to effectively end Hizbullah operations.

Other terrorist organizations, most notably DHKP-C, conducted attacks mainly against police targets.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms. The Constitution leaves open the possibility of restrictions to these freedoms on the basis of defense of the secular, unitary, state and protection of public order. The Government, particularly the judiciary, limits freedom of expression through the use of restrictions in the 1982 Constitution and numerous laws such as the following: Article 8 of the 1991 Anti-Terror Law (disseminating separatist propaganda); Penal Code Articles 312 (incitement to racial, ethnic, or religious enmity); 159 (insulting Parliament, the army, republic, or judiciary); 160 (insulting the Turkish Republic); 169 (aiding an illegal organization); the Law to Protect Ataturk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials). While prosecutors bring dozens of such cases to court each year, judges dismiss many charges brought under these laws. These cases constitute a form of harassment against writers, journalists, and political figures.

Domestic and foreign periodicals that provide a broad spectrum of views and opinions, including intense criticism of the Government, are widely available. The newspaper business is extremely competitive. Government censorship of foreign periodicals is very rare.

Electronic media reach nearly every adult, and their influence, particularly that of television, is correspondingly great. According to the High Board of Radio and Television, there are 229 local, 15 regional, and 16 national officially registered television stations, and 1,036 local, 108 regional and 36 national radio stations. Other television and radio stations broadcast without an official license. The increasing availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. The State owns and operates the Turkish Radio and Television Corporation.

Internet use is growing and faces no government restrictions; in fact, some banned newspapers can be accessed freely on the Internet. Parliament passed legislation in September 1999 suspending for 3 years the sentences of those convicted of crimes in the media, such as journalists, writers, and party officials who published articles. The Islamist opposition party Fazilet challenged the constitutionality of the law because it did not apply to those who committed similar crimes through speech. In September the Constitutional Court ruled that this complaint had merit and ordered the Government to correct the problem. In mid-December, the Government passed the "Provisional Suspension of Sentence Law," which in addition to leading to the eventual release of thousands of ordinary criminals, may effect the

release, and suspension of trials, of many persons prosecuted on charges related to free expression. The suspension only applies to those whose "criminal act" took place before April 23, 1999.

Although hundreds of those prosecuted or convicted for free expression crimes had their sentences or trials suspended, some writers remain in jail. Esber Yagmurdereli, for example, remains imprisoned because his conviction in 1998 was for a speech, although his case may fall under the "Provisional Suspension of Sentence Law." The CPJ reported that 14 journalists were imprisoned at year's end, compared with 18 in 1999. According to the Ministry of Interior, 43 journalists were in jail in July, of whom 26 had been convicted and the rest were still standing trial. The Chairman of the Press Council said, after studying the list, that his organization considered only four of these to be "imprisoned for their journalistic practices." Other journalist associations note that some who are imprisoned for crimes in the media are political activists with only tenuous journalistic credentials.

Under the suspension law, charges are dropped if the journalist or writer does not commit the same crime again during the 3-year period; if a second offense is committed during this time, the suspension is revoked. Human rights advocates, journalists, and other writers consider that the conditions for the suspension amount to censorship.

The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish. The High Board of Radio and Television (RTUK), created in 1994 to regulate private television and radio frequencies, monitors broadcasters and sanctions them if they are not in compliance with relevant laws. Parliament elects the RTUK members (divided between ruling and opposition parties) and provides its budget. Although nominally independent, the RTUK is subject to some political pressures. In December RTUK banned broadcasts of Ozgur Radio for 180 days, claiming that the station had slandered Turkish Cypriot leader Rauf Denktash in a July broadcast.

The RTUK penalizes private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. Throughout the year, the RTUK penalized radio and television stations over 210 times for noncompliance with broadcast regulations, according to testimony given by the RTUK chairman to a Parliamentary committee in November. In general RTUK suspended television broadcasts for a day, and radio broadcasts for longer terms such as 3 to 6 months, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." The human rights monitoring group Mazlum-DER recorded closures of 26 television stations for a total of 208 closure days, and closures of 24 radio stations for a total of 3,725 days, while the Government provided RTUK closure figures of 62 television stations closed for 704 days, and 67 radio stations closed for 3,889 days.

RTUK decisions may be appealed to the provincial administrative court and then to the Council of State (Danistay). In some cases, this is successful. In February the RTUK gave a 1-day closure punishment to CNN TURK, in response to a January broadcast in which a commentator asked a program guest if PKK leader Ocalan could be compared with former South African President Mandela. According to the RTUK, the broadcast "threatened the existence and unity of the Turkish state" and "encouraged separatism." CNN TURK appealed the decision and won. Another RTUK closure order, against Channel 6 for its criticism of the Government's response to the August 1999 earthquake, was also overturned by the Danistay.

Despite the Government's restrictions, the media criticize government leaders and policies daily and have developed a more adversarial role vis-a-vis the Government. Lively debates on human rights and government policies continued, especially on issues relating to Turkey's EU membership process; the role of the military; political Islam; and the question of ethnic Kurds as "minorities." Nevertheless, persons who write or speak out on such highly sensitive topics risk prosecution.

Government decree 430 gives the Interior Ministry, upon the request of the state of emergency regional governor, the authority to ban distribution of any news viewed as misrepresenting events in the region. In the event that a government warning is not obeyed, the decree provides for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, lead to self-censorship on some issues.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and banned several books on a range of topics. Prosecutors closed numerous journals or suspended their operations during the year. The police frequently raid offices of small leftist publications, while distributors of the pro-Kurdish journals Evrensel and Yeni Gundem outside the state of

emergency region claim regular harassment and the confiscation of their newspapers by the police.

Journalists, including those from mainstream and western media, were harassed periodically and subjected to police abuse while covering stories. Two Swedish journalists were arrested, and their film confiscated, while visiting a small town near Diyarbakir in April. Their film was returned and they were released after the Swedish Government protested.

The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints.

In April a group of 24 intellectuals sought to challenge legal restrictions on expression by republishing the formally banned book "Freedom of Thought" under the new title "Freedom of Thought—2000." The group, which consists of well-known human rights activists, actors, journalists, and academicians, notified officials at the Istanbul SSC of their actions. The court indicted the group in May, demanding sentences ranging from 7 to 15 years' imprisonment for 16 persons on various charges, including supporting a terrorist organization and inciting hatred and enmity. The case was ongoing at year's end. In December musician and human rights activist Sanar Yurdatapan and Nevzat Onaran, Chairman of the Contemporary Lawyer's Association's Istanbul branch, each served 24-day sentences given by a military court in connection with the publication of a previous "Freedom of Thought" pamphlet.

Nadire Mater was acquitted in September of charges that she "insulted the military" with her publication, "Mehmet's Book." Copies of the book were seized in 1999 on order of the Istanbul SSC, and Mater and her publisher were charged under Article 159 of the Penal Code, with a possible prison sentence of 2 to 12 years. Since part of the acquittal was based on the Suspension of Sentences Law for the book's early editions, she faces a 3-year "probation" period, and if she commits the same crime she theoretically would face a resumption of her trial. The prosecutor appealed the acquittal, and the ban on the book continues. "Mehmet's Book" is a compilation of interviews with retired conscripts who had served in the southeast. The book records without commentary the soldiers' experiences in the field. These rank-and-file stories allege corruption, drug abuse, and dishonest handling of the press. As many as 40,000 to 50,000 copies have been sold, and although the book remains banned it is available in some bookstores.

The Istanbul SSC brought charges of "supporting separatist and terrorist propaganda" against the distributors of the CD-Rom version of National Geographic magazine's full collection in late 1999. The collection included a 1992 article on Kurds that showed a map of the region most populated most heavily by Kurds; the article was published and circulated in Turkey. In February the court suspended the case in line with the "suspension of sentences" law, because the publication date was before April 1999.

In March Islamist former Prime Minister Necmettin Erbakan was convicted under the Penal Code (Article 312) of "promoting enmity" along religious lines, for a speech he had made in 1994 in which he referred to parliamentarians as "infidels." He was sentenced to 1 year's imprisonment, but his punishment was suspended under the "probational suspension of sentences law" passed in December. Human rights groups and some politicians criticized the verdict as undemocratic, but the judiciary and many mainstream politicians defended it. Also in March, the chairman of the Islamic business-oriented association Musiad was sentenced to 1 year's imprisonment under the same law, for a 1999 statement in which he referred to "believers and nonbelievers." His sentence was suspended.

Abdurrahman Dilipak, a veteran columnist with the Islamist daily Akit, faced multiple charges during the year for articles criticizing the Government's policy, especially on religious head coverings and the alleged activities of a military group that reportedly monitors political Islam. He was convicted in January by the Malatya SSC and sentenced to 1 year's imprisonment related to a 1998 conference in Malatya. Appeals continued at year's end.

Former chairman of the HRA Akin Birdal reentered prison in March after a 6-month release on medical grounds. He was released on September 23 after serving a total of over 9 months' imprisonment on charges related to free speech (see Section 4).

Hasan Guzel, head of the small Rebirth Party and an outspoken former Education Minister under the pro-Islamist Refah Party government, was released from jail in May after serving 5 months of a 1-year sentence for "inciting religious and ethnic enmity," based on a controversial 1997 speech. In January he was convicted on the same charge in a different case relating to a 1998 speech.

Poet Yilmaz Odabasi entered prison in March to serve a 7-month sentence for contempt of court, for having said that he was "ashamed to live in the same age and

country" as the court that convicted him in 1997 for "disseminating separatist propaganda" with his book "Dream and Life." He was released in June.

Cases may be continuing against Dogu Perincek, chairman of the Workers' Party, for convictions concerning a 1994 speech delivered at the HRA general convention and slandering former Prime Minister Tansu Ciller. In September Perincek was acquitted on charges of assisting the PKK and possessing secret state documents.

The trial of Dr. Veli Lok, president of the HRF's Izmir branch, for violation of the press law, ended in June. Dr. Lok, Bahri Akkan (spokesman for the Izmir Democracy Platform), and Fikret Ilkiz (an editor at Cumhuriyet newspaper) were convicted on the basis of an article published in October 1999 in Cumhuriyet, in which Lok and Akkan were quoted regarding a trial involving other HRF members. Publicly commenting on an ongoing court case is forbidden under the Press Law. The Ministry of Justice sent a letter to the Izmir prosecutor in November 1999, asking him to review the Cumhuriyet article and determine if a crime had been committed. The indictment followed shortly. Lok and Akkan were sentenced to pay a fine of about \$200 (120 million TL); Ilkiz is to pay about \$210 (124 million TL). Lok's sentence was suspended for 5 years, and he has appealed.

In October a Syriac priest was charged under Article 312 for "inciting religious, racial and sectarian hatred" for comments he made to the media about legislation under consideration at that time by the U.S. Congress that referred to Armenian genocide. The trial of the priest, who spoke in favor of the legislation, began in December. He spent one night under arrest but otherwise has been free to continue his pastoral duties.

In April the pro-Kurdish daily Ozgur Bakis ceased publication, blaming government pressure (including closure orders, fines, investigations of 124 out of 370 editions, and court cases against editors). In its place Yeni Gundem newspaper began publication in May and was banned in the emergency region a week later. Also in April, the state of emergency governor banned four magazines (Ozgur Halk, Yasamda Genclik, Ozgur Kadinin Sesi, and Rewsen) from the emergency region. In May the governor banned distribution of four newspapers and eight journals, including Evrensel Kurdish-language weekly Azadiya Welate (which had been banned previously). However, these publications can be accessed in the emergency region on the Internet. Throughout the country some potential customers are afraid to purchase Kurdish-language materials because the possession of such items may be interpreted as evidence of PKK sympathies.

Kurdish-language cassettes and publications are available commercially, although the periodic banning of particular cassettes or singers continued, especially in the state of emergency region. Kurdish-language broadcasts of news, commentary, or discussion are illegal throughout the country. One radio station broadcasts in Kurdish but is widely believed to be government-sponsored. Kurdish music is played on radio and television programs with certain restrictions, especially in the emergency zone and adjacent provinces. The state of emergency regional governor frequently bans from the region Kurdish recordings that may be played legally elsewhere in the country. In August he issued an order banning the sale of 242 music recordings, most in Kurdish. Stations that play Kurdish songs not on the limited play list risk temporary bans or closure. Radio stations that mix small amounts of Kurdish songs into their predominantly Turkish broadcasting appear to face fewer problems.

Pro-PKK Medya-TV, which is banned, broadcasts in Kurdish from Europe and nevertheless can be received via satellite dish. Another station, Kurdistan-TV, based in northern Iraq, can be received via satellite, and is not banned. The ECHR ruled against Turkey on some cases of free expression, such as the conviction of a newspaper editor for "disseminating separatist propaganda" in 1993.

The Mesopotamian Cultural Center (MKM), an NGO that seeks to promote Kurdish language and culture, continues to operate. Some officials alleged that the organization is linked to the PKK. The group's centers in the southeast remain closed. Police exert pressure against the groups and hinder their activities, and local officials monitor and often interrupt their cultural events. Some MKM branches report that they were prevented from selling Kurdish-language music cassettes and were warned against organizing cultural events. On December 30, however, for the first time the Governor of Hakkari province in the southeast allowed a Kurdish-language music concert, organized by an MKM-sponsored band. Five thousand persons attended the concert.

The Kurdish culture and research foundation (Kurt-Kav) remained open and continued some activities, including Kurdish language training and a study of Kurdish oral tradition. In February Kurt-Kav was acquitted of charges alleging promotion of separatism for its sponsorship of scholarships for 30 Kurdspeaking students. A second case on the same charges, based on cooperation with a Swedish university

to promote study of the Kurdish language, still was pending in the courts at year's end.

Academic freedom generally is respected; however, there is believed to be some self-censorship on sensitive topics.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government often restricted this right in practice. The authorities may deny permission if they believe that a gathering is likely to disrupt public order. Significant prior notification of gatherings is required, and the authorities may restrict meetings to designated sites.

The police beat, abused, detained and harassed some demonstrators, but showed restraint in other instances. The police appeared to be acceding to a November 1999 Security Administration directive that called for the use of minimum force in dispersing demonstrations. In February, following the arrests of three HADEP mayors in the southeast (see Section 3), supporters of the mayors held large, peaceful protests in Diyarbakir's center. Police allowed the demonstrations to continue even though they were not approved, and there was no violence. Police detained several dozen demonstrators during the 3-day protest period.

In contrast to the previous year, the March 21 Kurdish Nevruz ("New Year") celebrations were marked by calm and respectful behavior among participants and security forces. According to press reports and initial contacts with activists in the southeast, the police detained several hundred unauthorized demonstrators in Mersin, Sanliurfa, Siirt, and Adana, but there were reportedly no arrests nor excessive use of force (as there had been in the previous year). The authorities for the first time granted permission for a major celebration a few miles outside of Diyarbakir. The gathering of more than 80,000 persons was peaceful, with no detentions, and police treated the crowd well, according to a Kurdish activist. Istanbul municipal authorities denied permission for a celebration there because the organizers referred to "Newroz," on the grounds that since there is no letter "w" in Turkish, this was a Kurdish spelling.

On World Peace Day, September 1, the authorities denied permission for peace demonstrations in Diyarbakir, Izmir, Ankara, Mersin, and Antalya. In Diyarbakir the police reportedly broke up a gathering, detaining 30 participants and injuring 10. In Van the police detained 27 persons, including the HADEP provincial chairman. In Mus the police reportedly detained, beat, and tortured the former district president of HADEP. In Tunceli a group of 200 persons was allowed to demonstrate, and in other cities events took place peacefully.

In October police disrupted a professional conference in Izmir of the Turkish Medical Association (TMA) on the grounds that the meeting, which was to have discussed the issue of prison health, was illegal. International observers present for the conference noted that police officers demanded to videotape all of the proceedings. The TMA cancelled the conference.

Police have detained and, on occasion, mistreated members of groups that protested prison conditions, the Ulucanlar prison incident in September 1999 (see Section 1.c.), and the installation of "F-type" small cells to replace the current ward system. In June the police broke up an anti-prison rally and detained 20 participants, including the chair of the Istanbul branch of the HRA, Erin Keskin; when critics started to protest those detentions, the police broke up that second rally and detained another 30 persons. However, in early August the Minister of Justice spoke to demonstrators in front of his Ministry and invited some of them to visit a new F-type prison, which they did the following day. In August an association of families of political prisoners left Istanbul for Ankara by bus to protest F-type prisons and warn against the potential of hunger strikes and violence in jails (see Section 1.c.). The group alleges that it was stopped while en route several times by police and Jandarma, and that some parents were beaten with clubs and had to be hospitalized. Hundreds of protesters were temporarily detained during the period of hunger strikes in the prisons in November and police intervention in December.

In December, following a terrorist attack on a police bus that killed two anti-riot police, thousands of fellow officers staged protest marches in all of the country's major cities. The marches occurred over several days, despite efforts by senior police officials to bring them under control. Several hundred police officers have been charged with disobeying orders and marching without a permit; they faced disciplinary and judicial proceedings at year's end.

Dr. Alp Ayan, a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center; Gunseli Kaya, who also works at the Center; and 66 others face charges of "holding an unauthorized demonstration" for participating in the funeral procession in October 1999 of one of the prisoners killed in the September 1999 Ulucanlar incident. Ayan, Kaya, and 12 others were held in detention for 3 months before being released at the start of their trial in January. The trial continued at year's end.

Six school children, between the ages of 12 and 14 years, were acquitted in March of charges of holding an “unauthorized demonstration” in 1998. The children had held a sign that said “We Want Teachers” during a rally after no teachers came to school that day and previous days.

The Constitution provides for freedom of association; however, associations and foundations must submit their charters for government approval, which is a lengthy and cumbersome process.

c. Freedom of Religion.—The Constitution establishes Turkey as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas, and the Government generally observed these provisions in practice; however, it imposed some restrictions on religious minorities and on religious expression in government offices and state-run institutions, including universities.

The Government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet). The Diyanet, which some groups claim reflects the beliefs of the Sunni Islamist mainstream to the exclusion of Alevi adherents, regulates the operation of the country’s more than 70,000 mosques. Local and provincial imams, who are civil servants, are employed by the Diyanet. The Government states that the Diyanet treats equally all that request services. During the year, partly in commemoration of the Christian jubilee, the Diyanet sponsored several ecumenical events among major religious groups, including a meeting in Tarsus in May, which produced a document that called for intercommunal understanding.

A separate government agency, the Office of Foundations (Vakıflar Genel Müdürlüğü), regulates some activities of religious minorities, including those established under the Lausanne Treaty in 1923 (Greek Orthodox, Armenian Orthodox, and Jewish), and their affiliated churches, monasteries, and religious schools. The Vakıflar, which dates back to the Ottoman Empire, must approve the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages. The Vakıflar oversees 160 minority religious foundations, including Greek Orthodox (about 70 sites); Armenian Orthodox (about 50); and Jewish (20); as well as Syrian Christians, Chaldeans, Bulgarian Orthodox, Georgians, and Maronites.

In May a court allowed a Protestant church in Istanbul to establish itself as a “foundation.” Normally all “religious” foundations need to have been in existence since the early days of the republic in order to be deemed as such.

The population is about 99 percent Muslim, primarily Sunni. In addition to the country’s Sunni majority, an estimated 12 million Alawis (an offshoot of Shi’a Islam) freely practice their faith and build “Cem houses” (Alawi places of worship). Some Alawis allege discrimination in the form of failure to include any Alawi doctrines or beliefs in religious instruction classes. Alawis also charge that there is a Sunni bias in the Religious Affairs Directorate and claim that the Directorate tends to view the Alawis as a cultural rather than a religious group. However, some Sunni Islamic political activists charge that the secular State favors and is under the influence of the Alawis. The Government periodically allocates funds to the Alawi community and funds Sunni activities.

There are several non-Muslim religious minority groups; most are concentrated in Istanbul and other large cities. These include an estimated 50,000 Armenian Orthodox Christians, 25,000 Jews, and roughly 3,000 Greek Orthodox adherents. There are approximately 3,000 Protestants; 10,000 Baha’is; an estimated 15,000 Syrian Orthodox (Syriac) Christians; and a small, undetermined number of Bulgarian, Chaldean, Nestorian, Georgian, and Maronite Christians. The number of Christians in the southeast has declined as the younger generation, especially among Syriacs, leaves the area to live in Istanbul, Europe, or North America. In December President Sezer issued a message to Turkey’s minority religious groups on the occasion of Christmas and Hanukkah.

The military and judiciary, with support from other members of the country’s secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 3). The National Security Council (NSC)—a powerful military/civilian body established by the Constitution to advise senior leadership on national security matters—categorizes fundamentalism as a primary threat to public safety and order. The armed forces regularly dismiss individuals whose official files reflect participation in Islamist fundamentalist activities. In October the military dismissed 44 officers suspected of sympathizing with Islamic groups or Kurdish rebels. At a meeting in March, the NSC discussed a report that claimed that fundamentalist Islamic elements had increased their activities in a number of areas, including infiltrating government ministries. However, the same NSC report noted that legislative measures have been taken on only 5 points of the February 1997 18-point program against

fundamentalism. In August President Sezer twice refused to sign a "decree with force of law" that would have streamlined the procedures for firing civil servants suspected of fundamentalist or separatist tendencies, explaining that such a measure should be reviewed by Parliament.

In a widely publicized August 30 "victory day" statement, armed forces Chief of Staff General Huseyin Kivrikoglu issued a strong message to the Government to take action against Islamic fundamentalism. In a reference to the civil servants decree turned back twice by President Sezer, Kivrikoglu said that the Government and the Parliament should take immediate action to address the problem of "thousands" of civil servants whose fundamentalist views were threatening the secular state. He noted that the military had an effective means of getting rid of suspected fundamentalists or separatists from its ranks and that the civil service should adopt similar measures. Kivrikoglu alleged that the leader of a moderate Islamic Tarikat, Fetullah Gulen, plans to undermine the state and said that 11 of the 44 officers recently dismissed by the military for fundamentalist proclivities were Gulen supporters. Kivrikoglu claimed that Gulen supporters had infiltrated the judiciary as well, a charge denied by the Minister of Justice.

Tarikats and other mystical Sunni Islamic, quasi-religious, and social orders were banned in the 1920's but largely were tolerated until the 1997 call by the National Security Council for strict enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism. However, prominent political and social leaders remain associated with Tarikats.

In March Islamist former Prime Minister Necmettin Erbakan was convicted under the Penal Code (Article 312) of "promoting enmity" along religious lines, for a 1994 speech in which he referred to Parliamentarians as "infidels." He was sentenced in March to 1 year's imprisonment (see Section 2.a). Also in March, the chairman of the Islamic business-oriented association Musiad was sentenced to 1 year's imprisonment under the same law, for a 1999 statement in which he referred to "believers and nonbelievers." His sentence was suspended. The Istanbul SSC ordered the confiscation of the June 28 issue of the reportedly anti-Semitic newspaper Akit and the June 23-29 edition of its related weekly publication Cuma for "inciting religious hatred," for its treatment of the death of a prominent military official known for his secular views. Akit had reported in its coverage that it "did not forgive" the official for his actions against imam-Hatip schools, Koran courses, and students who wear headscarves.

Religious and moral instruction in state primary and secondary schools is compulsory for Muslims. Students who complete primary school may study the Koran in government-sponsored schools. The Government does not permit private Koran courses.

Upon written verification of their non-Muslim background, minorities considered by the Government to be covered by the 1923 Lausanne Treaty (Greek Orthodox, Armenian Orthodox, and Jewish) are exempted by law from Muslim religious instruction. They may hold their own classes or if they want to attend Muslim courses, may do so with parental consent. Syriac and other Christians whom the Government does not consider to be an official Lausanne Treaty minority are not exempted. In August the Syriac community reiterated a 1995 appeal to the Government to be considered a Lausanne Treaty minority.

Government authorities do not interfere in matters of doctrine pertaining to minority religions, nor do they restrict the publication or use of religious literature. While the Government does not recognize the ecumenical nature of the Greek Orthodox Patriarch, it acknowledges him as head of the Turkish Greek Orthodox community and does not interfere with his travels or other ecumenical activities.

The authorities monitor the activities of eastern Orthodox churches and their affiliated operations. The Ecumenical Patriarchate in Istanbul consistently has expressed interest in reopening the seminary on the Island on Halki in the Sea of Marmara. The seminary has been closed since 1971 when the State nationalized most private institutions of higher learning. Under current restrictions, including a citizenship requirement, religious communities remain unable to train new clergy. However, coreligionists from outside the country have been permitted to assume leadership positions.

By law religious services may take place only in designated places of worship, although non-Muslim religious services often take place in nondesignated places of worship. However, police disrupted several Christian religious gatherings on the grounds that they were being held in unauthorized locations. On May 24 in Istanbul, several persons (including non-Turks) were detained overnight following a police raid on a private apartment where a group was holding Protestant services. Most of the participants were released the next day and charges were dropped; two Turks were held for several days before being released. Currently the attendees face

charges for unauthorized meetings and unauthorized establishment of an education center.

Minority foundations, including those of religions recognized under the Lausanne Treaty, may not acquire property for any purpose, although they can lose it. If a community does not use its property because of a decline in the size of its congregation over 10 years, the Vakıflar takes over direct administration and ownership. There have been no reports of minority religions losing their houses of worship or other facilities during the year. If such minorities can demonstrate a renewed community need, they may apply legally to recover their properties. Bureaucratic procedures and considerations relating to historic preservation at times have impeded repairs to existing religious facilities. Restoration or construction may be carried out in buildings and monuments considered "ancient" only with authorization of the regional board on the protection of cultural and national wealth. Syriac Christians have been allowed to renovate their historic buildings in Mardin, although their efforts remain closely monitored by the authorities. In May Syriac Christians gathered in Elazığ to celebrate the completed restoration of a 1,800-year-old church.

The Baha'i community currently is fighting a legal battle against government expropriation of a sacred Baha'i site near Edirne. The site was granted cultural heritage status in 1993 by Edirne's board of natural and cultural riches, a branch of the Ministry of Culture. However, in January the Ministry of Education notified the Baha'i community that the property had been expropriated for future use by the adjacent primary school. The Ministry has deposited funds in the Baha'i community's bank account for the expropriated property. In April the local administration court in Edirne rescinded its temporary stay of execution and allowed the Ministry of Education to implement expropriation, although it has not done so. The Baha'i appeal of the expropriation continued at year's end.

There are legal restrictions against insulting any religion recognized by the State, interfering with that religion's services, or debasing its property.

No law explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally are subject to government restrictions or harassment. There are no known estimates of the number and religious affiliation of foreign missionaries in the country. Many prosecutors regard proselytizing and religious activism on the part of evangelical Christians, and particularly Islamists, with suspicion, especially when such activities are deemed to have political overtones. The police sometimes arrest proselytizers for disturbing the peace; courts usually dismiss such charges. If the proselytizers are foreigners, they may be deported, but generally they are able to reenter the country easily. In a case in March, two Turkish Christians were detained for a month on the charge of "insulting Islam" by distributing Bibles; they were released in May at their first hearing when witnesses refused to stand by their signed statements. Their trial continued in one of four jurisdictions where cases were opened.

The Government continued to enforce a more than 50-year-old ban on the wearing of religious head coverings at universities or by civil servants in public buildings. Some women who wear head coverings, and both men and women who actively have shown support for those who defy the ban, have lost their jobs in the public sector as nurses and teachers; some others were not allowed to register as university students. The Council of State (Danıştay) ruled in a 1999 case that universities are public institutions and, as such, have an obligation to protect the country's basic principles, including secularism. In making its ruling, the Danıştay referred to its understanding of a ruling by the ECHR in favor of Turkey, which noted that students had to abide by university dress codes, and that the wearing of a headscarf could be construed as pressure on other students. According to Mazlum-DER, during the year 127 teachers lost their jobs for wearing head coverings and there were dozens of smallscale protests this school year against the headscarf ban.

Merve Kavakcı, elected an M.P. in April 1999 from the Islamist Fazilet (Virtue) Party, unsuccessfully sought in May 1999 to be sworn in to Parliament wearing an Islamist-style head covering. Kavakcı's case highlighted the ongoing dispute over the ban on wearing religious-style clothing in official settings. She later was stripped of Turkish citizenship on the grounds that she had assumed another country's citizenship without notifying proper authorities and lost her parliamentary privileges. She appealed the verdict on her citizenship, and in February the highest administrative court upheld the lower court's ruling. The issue of headscarves in Parliament, in terms of legislation that would give a final definition to the parliamentary dress code, remained unresolved.

The case to close the Islamist Fazilet Party, which was filed in May 1999, was still pending at the Constitutional Court at year's end (see Section 3). Although religious affiliation is listed on national identity cards, there is no official discrimination.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally enjoy freedom of movement domestically and the freedom to travel abroad; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave may be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. As the security situation continued to improve in the southeast, security officials decreased use of roadblocks and vehicle and passenger searches.

Although there is no legal internal exile, since 1990 the state of emergency region's governor in the southeast has had the authority to "remove from the region," for a period not to exceed the duration of the state of emergency (in place for 15 years), citizens under his administration whose activities "give an impression that they are prone to disturb general security and public order." Teachers, party officials, and trade unionists have been affected by this provision in the past, and dozens of unionists were kept out of the southeast this year, according to press reports. In July security officials in Batman took the passports of two visiting British parliamentarians who were looking into the issue of the Ilisu dam, and also took documents of a Republican People's Party (CHP) official and some accompanying journalists.

When Turkey ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, which have the force of domestic law, it exercised the option of accepting the Convention's obligations only with respect to refugees from Europe. Although it has not lifted subsequently the geographic limit of its treaty obligation, since 1994 the Government has granted temporary asylum to all those recognized as refugees. Asylum-seekers apply to the Government for temporary protection and to the U.N. High Commissioner for Refugees (UNHCR) for resettlement. If both procedures recognize the asylum-seeker as a refugee, UNHCR proceeds with resettlement and submits the case to other countries. European refugees are given temporary residence permits by the Government, renewable until they achieve resettlement or a durable solution.

Furthermore, the UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued a deportation order that may be implemented after 15 days. According to the UNHCR, there were 5,681 asylum seekers during the year; out of these cases and some from previous years, UNHCR rejected the asylum applications of 4,471 and accepted 2,709.

A regulation obliges asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as an asylum-seeker. The time limit for registration in the Government's asylum program is implemented strictly and remains an obstacle to the full access of asylum seekers to refugee status determination procedures. During the year, 25 refugees and asylum-seekers were returned to a country where they feared persecution, compared with 46 in 1999 and continuing a steady decline since 1995, according to the UNHCR. The obstacles inherent in the Government's asylum procedures lead to many refugees being considered as "illegals." This year the UNHCR considered that there were approximately 100 refugees not registered with the Government. The UNHCR and government authorities continue to work to resolve this problem and to find ways to allow greater access of all asylum seekers to this procedure.

If they comply with the asylum regulation's requirements, asylum seekers are registered by the Government and processed for eligibility determination. Late in the year, the Council of State confirmed administrative court rulings since 1997 that concluded that failure to submit an asylum claim within a fixed time limit could not be a reason not to address the application or grant asylum. The UNHCR has no information on discrimination by the Government on the basis of nationality. The UNHCR maintains a branch office in Ankara and field presences in Istanbul, Silopi, Van, and Agri.

The mass influx in 1999 of 18,000 Kosovars fell under the 1994 asylum regulation. The Government allowed Kosovars to enter the country freely and de facto allowed them "first asylum"—to stay until they repatriate or resettle voluntarily. An estimated 2,000 persons from Bosnia-Herzegovina and several hundred from Kosovo were granted a special temporary "guest" status; 42 Kosovars and 74 Bosnians still reside in former refugee camps. Because there are no visa requirements, thousands of Iranians remain in the country for extended periods. The Government generally does not allow similar mass influxes from Iraq but allows some individuals and families to settle in or transit the country en route to permanent resettlement.

Cooperation between the UNHCR and the Government has continued since 1998 in the field of training border guards and other government officials responsible for

asylum-seekers and refugees. During the year, approximately 150 officials received UNHCR-sponsored training in Bursa, Izmir, Antalya, Ankara, and Van. The training is very successful and has led to increased contact between UNHCR and local, military, and judicial authorities. The UNHCR works with local partners including the Turkish Red Crescent Society, the Association for Solidarity with Asylum Seekers and Migrants, and the Anatolian Development Foundation to integrate refugees into society.

The country continues to be a transit and departure point for illegal migrants and asylum seekers of various nationalities en route to Europe, who travel in small groups utilizing land routes, boats, and ships.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice. Turkey has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. More than 30 political parties are active (most of them minuscule), 5 of which are represented in Parliament. Parliament elects the President as Head of State every 7 years or when the incumbent becomes incapacitated or dies.

In addition to these bodies, in accordance with the Constitution, the NSC, which includes both military and civilian government leaders and is chaired by the President, plays a significant role in shaping government policy.

The Government neither coerces nor forbids membership in any political organization; however, the chief public prosecutor may bring cases seeking the closure of political parties before the Constitutional Court, which may close them down for unconstitutional activities. The chief public prosecutor opened cases in 1999 to close two significant parties, Fazilet and HADEP, alleging that they were centers of illegal activities. These cases were unresolved at year's end.

Government pressure against HADEP continued, based on the Government's belief that many HADEP supporters had ties to the PKK or supported their agenda. Throughout the year, the police raided dozens of HADEP offices, especially in the state of emergency region, and detained provincial officials and elected HADEP mayors. For example, in September the chair of HADEP's Sirtak branch and a dozen other executives were arrested, and police raided HADEP offices in Istanbul, Diyarbakir, Adana, Mersin, and Van. In June HADEP secretary general Ahmet Turan Demir was convicted under Article Eight of the Anti-Terror Law for "separatism," for a speech he gave in October 1999; in November Demir was sentenced to 1-year's imprisonment and a fine of \$1,168 (800 million TL), and in November he was convicted of "making separatist propaganda" in a 1998 speech and given another 1-year sentence, reduced to 10 months. He has not yet gone to jail for either conviction. During the year, the Government brought 10 cases against HADEP mayors, most for charges of "separatist propaganda." A case against Cihan Sincar, Mayor of Kiziltepe, on the grounds that she had referred to "Kurdistan" in an interview with a Swedish newspaper, ended with her acquittal in November. In December the Ankara SSC opened an investigation against HADEP on the grounds that its November party congress had extended support for the PKK.

In February Jandarma arrested the HADEP mayors of Diyarbakir, Siirt, and Bingol, mostly based on testimony by the deputy mayor of Diyarbakir who allegedly was tortured while in police custody (see Sections 1.c., 2.b., and 4). The mayors were charged under Article 169 of the Penal Code with supporting an illegal organization (the PKK) through fundraising activities in Europe and Turkey. The mayors were held for 3 days, and the Interior Ministry removed them from office but reinstated them after peaceful public protests began. The mayors remained free and in office at year's end, pending the outcome of their trial, which began in April. They were allowed to travel outside the country, although some HADEP officials have been barred for years from international travel. In September another aide to the Diyarbakir mayor was arrested by the anti-terror police on charges of links to the PKK.

The military and judiciary, with support from some other members of the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 2.c.).

In August Islamist leader Fetullah Gulen was indicted for "separatism" and "forming a criminal gang;" however, an Istanbul court annulled this indictment on appeal. Two weeks later Ankara SSC Prosecutor Nuh Mete Yuksel brought another indictment of trying to "change the characteristics of the republic as specified in the Constitution." Yuksel is seeking the maximum 10-year sentence against Gulen

under the Anti-Terrorism Law and alleges that Gulen was trying to “infiltrate” the military.

The trial continued in Ankara of a group of 33 Islamist politicians and business figures who had formed a group called the National View Organization. The group, many of whom were members of the banned Refah Party, were charged in 1999 with attempting to impose a “religious order” in contravention of Article 146.1 of the Penal Code (forcibly trying to change the constitutional order); some of the defendants face the death penalty. The case continued at year’s end.

The Democratic Mass Party (DKP), which the Government closed in February 1999, had not yet had its closure decision published. Party members cannot legally form or join another party until the closure decision is officially published.

Reports continued of corruption and the abuse of power in the security forces, including ties with illegal organizations. The Government mounted 21 operations in the final 3 months of the year into corruption in banking, exports/imports, rural affairs, drugs, and other areas, leading to hundreds of detentions and over 100 arrests. In June parliamentary committees cleared former Prime Ministers Yilmaz and Ciller of a range of corruption charges relating to their activities while in office. Some trials linked to corruption charges, involving former Interior Minister Mehmet Agar and M.P. Sedat Bucak, began in 1998 but were halted in April 1999 when both were elected to the new Parliament and gained automatic legal immunity (which had been lifted by the previous Parliament). During the year some M.P.’s proposed in Parliament that their immunity be lifted. In June Parliament also voted to clear Agar of charges of “establishing a criminal gang” relating to the 1996 Susurluk scandal. In September an alleged 1998 memorandum from senior military sources was made public by the media and human rights groups. The memo details a plan of discrediting government critics, including HADEP and Fazilet parties, the HRA, and specific politicians and journalists. In some cases, actions occurred that were similar to the memo’s recommendations.

In February a former Batman provincial governor admitted that during his 1993 to 1997 term, his office acquired weapons worth \$2.6 million (1.5 trillion TL) to equip extraordinary units fighting the PKK. He said that most were given to the Jandarma and some to the police; some allegedly were given to village guards as well. The then-Prime Minister agreed to fund the purchase in order to “protect the State,” she explained, although the Ministry of Interior had not agreed. The foreignmade weapons entered the country without clearing customs. The extralegal aspects of the transaction fueled speculation that some weapons may have disappeared. There was no parliamentary investigation following the revelations. In December, however, a case was opened against four officials from the Foreign Trade Undersecretariat’s General Directorate of Imports for “allowing illegal importation of weapons by the Batman governate.” The defendants face sentences of between 1 and 4 years.

There are no legal restrictions on political activity by women, the Constitution calls for equal political rights for men and women, and many women are active politically; however, women are underrepresented seriously in government and politics. There are only 22 women in the 550-seat Parliament, there are no female ministers in Prime Minister Ecevit’s 35-member Cabinet, and there are no female governors. However, one of the five major political parties is headed by a woman.

There are no legal restrictions on political activity by minorities; however, some minorities are underrepresented in government and politics.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Nongovernmental organizations operate in many regions but face government obstruction and restrictive laws regarding their operations, especially in the four provinces that comprise the state of emergency region. The Associations Law governing the activities of most NGO’s (some fall under the Law of Foundations, and others incorporate themselves as businesses) has restrictive provisions regarding membership, fundraising, and scope of activities.

The nongovernmental HRA has branches nationwide and claims a membership of about 20,000 persons. In 1990 the HRA established the HRF, which operates torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and serves as a clearinghouse for human rights information. Other domestic NGO’s include the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Doctor’s Association, human rights centers at a number of universities, and Mazlum-DER, which is the Organization of Human Rights and Solidarity for Oppressed Peoples. Human rights organizations are represented on the Provincial Human Rights Councils currently being formed.

Human rights monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. The HRA's Diyarbakir branch was reopened in April after having been closed for 3 years. However, several weeks later the state of emergency region governor's office ordered the branch closed for 3 months. Police allowed the reopening in August but within minutes revealed orders to close it for 3 months. The Diyarbakir governor allowed it to reopen 2 months later in October. The HRA branch in Van was also closed for 3 months in May but reopened in August without incident. In February the authorities closed the Malatya HRA branch indefinitely for possessing illegal publications (such as banned issues of otherwise legal newspapers). However, in April a court ruled that there were no criminal grounds for closure, and it reopened in June. At the end of the year, mostly for reasons linked to ongoing protests over F-type prisons (see Section 1.c.), authorities closed HRA branches in Malatya, Gaziantep, Van, and Konya.

Mazlum-DER's Sanliurfa branch reopened in April. The office had been closed since December 1998 after members had made allegedly "separatist" statements in the press regarding the ban on headscarves in public buildings. The Malatya branch remained closed.

In September an international summer program held by the Helsinki Citizen's Assembly (HCA) in Canakkale was closed by Turkish authorities two days after opening. Although no official reason was given for closure, it is possible that the participation of Armenian students may have played a role. The HCA generally has not experienced this kind of closure problem.

The Mersin Migrants' Association (Goc-Der), which was shut down in 1998, in February was given written permission by the Mersin governor to reopen. The Kurdish-led organization assists migrants from the southeast. Goc-Der had been closed pending a verdict in a case accusing its founders of several technical violations of Turkey's Associations Law and of possession of illegal publications. In December 1999, a court acquitted the defendants of all but one minor charge and fined them \$2 (1.5 million TL).

In May student associations at Diyarbakir's Dicle University and Van's Centennial University were closed for 3 months, along with two Diyarbakir "cultural centers." In September the leaders of an Islamic youth organization (National Youth Foundation) said that the police ordered the closure of 28 regional offices of their organization. The National Youth Foundation is affiliated with the Islamist Fazilet party.

The harassment of lawyers involved in political cases in the southeast continued. An increased number of attorneys are willing to defend politically sensitive cases and provide greater mutual support within the profession. However, attorneys still face criminal charges and other harassment, particularly if they defend clients accused of terrorism or illegal political activity, pursue torture cases, or seek prompt access to their clients (which police often view as interference).

During the year, attorneys in several cases were charged with various offenses (such as acting on behalf of illegal organizations), and were detained, searched, or threatened. The lawyer for the teenagers tortured in Manisa (see Section 1.c.) was put on trial for allegedly showing pictures of the accused policemen to the media, although her lawyer claimed that the television cameras had viewed an open case file. In November attorney Zeki Ruzgar, who was convicted in December 1999 of "membership in an illegal organization" and sentenced to 15 years in jail, was acquitted of all charges by the Court of Cassation.

The trial of 25 Diyarbakir lawyers entered its sixth year at the Diyarbakir SSC, with prosecutors in October calling for significant sentences against some of the defendants, who were charged in 1993 to 1994 with "aiding and abetting the PKK" and "membership in an illegal terror organization." Allegations in the indictment include legal behavior such as filing a petition with the ECHR. Some 16 of the lawyers alleged that they were tortured while in incommunicado detention after their arrests. The lawyers were free pending trial at year's end. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and publicizing human rights violations in the southeast (see Section 1.e.).

In Elazig two lawyers had not yet stood trial based on their 1999 indictment for "slandering government officials." The new Prosecution of Civil Servants law prohibits making false accusations against public employees based on "enmity, hatred, or slander;" the lawyers are charged with having stated publicly that an alternative medical report showed that their client had been tortured by security officials. No new cases are believed to have been opened under this provision during the year.

Dr. Seyfettin Kizilkan filed his second appeal to the Court of Cassation for a reversal of the Diyarbakir SSC's reconfirmed decision to sentence him to more than 20 years' imprisonment for "assisting and sheltering an illegal organization." Dr. Kizilkan was the director of Diyarbakir's largest hospital and was arrested after police allegedly found bomb materials and PKK documents in his home. Dr. Kizilkan and his associates maintain that the police planted the evidence. He has been transferred out of the state of emergency region to a government hospital in the Black Sea region and was free pending the outcome of his appeal at year's end. The case against Dr. Zeki Uzun, who was accused of aiding illegal organizations by providing medical reports and treatment, ended with his acquittal in March (see Section 1.c.). Some observers claim that Uzun, and others associated with the Izmir HRF Torture Treatment Center, have been harassed for their work with torture victims.

Former HRA Chairman Akin Birdal, who was released from jail in September (see Section 2.a.), faces additional charges in two cases. He is accused of "insulting the moral being of the State" based on a 1998 speech in Urfa to the HRA, while the other trial is based on a 1995 speech in Tarsus for "inciting racial or religious enmity."

A court case was opened in 1998 against 12 policemen accused of torturing the September 1997 "Musa Anter Peace Train" detainees. The case was due to continue with the next trial session in March 2001, but may be suspended under the newly-passed law for probational release of prisoners since the charge was mistreatment (Penal Code Article 245) rather than torture (Article 243). Legal proceedings against some of the organizers ended in 1998 with an acquittal.

Representatives of diplomatic missions who wish to monitor human rights are free to speak with private citizens, groups, and government officials. Security police routinely place such official visitors in the southeast under visible surveillance for reasons that may include an effort to intimidate those they meet, as well as legitimate protection concerns. Visiting foreign government officials and legislators were able to meet with human rights monitors. Representatives of international governmental organizations were able to visit Leyla Zana and Akin Birdal in prison, in accordance with Turkey's international obligations. There were no public reports of officials representing foreign governments being denied permission for such visits.

In May State Minister for Human Rights Mehmet Ali Irtemcelik resigned. He was replaced by Rustu Kazim Yucelen. In September Minister Yucelen began a series of meetings with governmental and civil society leaders. Ten meetings were held in provinces throughout the country and were designed to allow all provinces an opportunity to send representatives. The first meeting, in Tunceli, was attended by more than 200 government and NGO representatives who discussed human rights problems. Participants in other meetings noted the importance of establishing such a dialog, and a range of human rights groups took part. In late November, the Government passed regulations establishing permanent Provincial and Sub-Provincial Human Rights Councils, which will institutionalize consultations among NGO's, professional organizations, and the Government. These councils are being formed and some have held introductory meetings.

In February the High Council for Human Rights Coordination (HCHRC) drafted a report on the reforms needed in order for Turkey to comply with the EU's "Copenhagen Criteria" of democratization and human rights. The report, also known as the "Demirok Report," was adopted by the High Council (composed of representatives from the Justice, Interior, Education, Health, and Foreign Affairs Ministries, along with representatives of the security forces). The Cabinet adopted the report in September as a working and reference document. The report details dozens of constitutional, legislative, and administrative reforms necessary for compliance with EU political standards and underlines the immediate importance of reforms in the area of free expression.

The mandate of the Parliamentary Human Rights Committee is to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports. The Committee undertook a review of systemic human rights problems, including but not limited to problems in prisons and other places of detention such as police stations (see Section 1.c.). In December the Committee formed permanent sub-committees on prisons and the Provincial/Sub-Provincial Human Rights Councils.

In August the Government signed two U.N. covenants, on Civil and Political Rights and on Economic and Social Rights. They had not yet been ratified by year's end.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution proclaims Turkey to be a secular state, regards all citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds; however, discrimination remains a problem in several areas. The Government officially recognizes only Eastern Orthodox, Armenian Apostolic, and Jewish adherents as minorities covered under the 1923 Treaty of Lausanne.

Women.—Violence against women is a problem. Spousal abuse is serious and widespread. According to the Family Research Institute in the Prime Minister's office, beating in the home is one of the most frequent forms of violence against women. Despite 1998 legislation that made spousal abuse illegal, complaints of beatings, threats, economic pressure, and sexual violence continue. According to a survey done in April by Istanbul University, at least 10 percent of women experience violence on a daily or weekly basis.

Spousal abuse is considered an extremely private matter, involving societal notions of family honor. Few women go to the police, who in any case are reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. The 1998 law allows women to apply for restraining orders against their husbands and therefore to stay in their own homes. Observers and government officials note that this program has been very successful in some of the cities and rural areas of the country but less so in the more traditional southeast. The law is also limited to spouses, and therefore does not address some other sources of violence such as in-laws. Citizens of either sex may file civil or criminal charges for abuse but rarely do so.

There are 9 shelters and 6 consultation centers for battered women; in addition the child protection and social services agency provides services to victims of domestic violence through its 19 social centers. Several private shelters that had previously been in operation closed due to lack of funds.

Laws and ingrained societal notions make it difficult to prosecute sexual assault or rape cases. Although national police statistics show about 1,200 complaints of rape through November, there is no information on what percentage of rape incidents are reported. "Honor murders"—the killing by immediate family members of women who are suspected of being unchaste—continue in rural areas and among recent immigrants to cities; according to media reports, there may be dozens of such murders every year. Under the law, killings that were "provoked" (such as honor killings) can receive a lighter sentence than other types of murders. Because of further sentence reductions for juvenile offenders, observers note that young male relatives often are designated to perform the killing. Government authorities have tried to send a clear message of intolerance for this practice through the prosecution of those responsible for the murders, but it continues. Another dimension of this problem is suicides among young girls forced into marriage. Such suicides are most common in the southeast, where suicides have risen more than 50 percent since 1993 and where 80 percent of suicides are by women. The traditional practice of "virginity testing" continues, despite governmental regulations prohibiting it unless requested by the woman.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

Some laws still discriminate against women. The Civil Code prohibits granting gender-based privileges or rights but retains some discriminatory provisions concerning marital rights and obligations. Because the husband is the legal head of household, he is authorized to choose the domicile and represents the conjugal unit. As parents, husband and wife exercise joint child rearing rights, but when they disagree, the husband's view often prevails. A single woman who gives birth to a child out of wedlock is not considered automatically to be the legal guardian of her child; a court decision may be required. Divorce law requires that the divorcing spouses divide their property according to property registered in each spouse's name. Because in most cases property is registered in the husband's name, this provision can create difficulties for women who wish to divorce. Under inheritance laws, a widow generally receives one-fourth of the estate, and her children receive the rest. According to a 1994 government survey, households headed by women have 50 percent less income than those headed by men.

The literacy rate for women is 78 percent, compared with 94 percent for men, but in rural areas the rate can be as low as 50 percent for women, according to 1999 statistics. One reason for this is that men must serve in the army, and if they do not know how to read they are taught upon entry.

Particularly in urban areas, women continue to improve their position, including in the professions, business, and the civil service. They constitute 35 percent of the students in universities. However, they continue to face discrimination to varying

degrees. Women are generally underrepresented in managerial-level positions. Women generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help. Women may take the examination to become governors or subgovernors; several are subgovernors.

Independent women's groups and women's rights associations continue to increase in number. There are many women's committees affiliated with local bar associations. Other organizations include the Association to Support Women Candidates (Ka-Der), "The Flying Broom" women's advocacy group, the Turkish Women's Union, and the Foundation for the Evaluation of Women's Labor. The concept of lobbying for women's rights, including greater elected representation, is gaining momentum. Women continue to be very active in ongoing debates between secularists and Islamists, especially with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities.

Children.—The Government is committed to furthering children's welfare and works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family issues oversees implementation of the Government's programs for children. During the year, the Government established a Children's Rights Monitoring and Assessment High Council to focus on children's rights issues.

Government-provided education through the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to allow more girls to continue their education. In practice in rural Anatolia, the literacy rate for girls is very low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some continue on to high school, for which they generally must travel or live away from home (see Section 1.g.).

The social security system aims to provide social security and health insurance for all its citizens, but there are still gaps in this coverage, leaving about 20 percent of families and their children without coverage, according to the June UNICEF report on "The State of Women and Children in Turkey." Persons not covered by insurance may use a special program to access public health care. In terms of immunization, infant mortality, and malnutrition, Turkey's standards remain at levels that are not compatible with the level of development and resources in the country, according to the UNICEF report. Currently, only about 40 percent of children aged 12 to 23 months are fully immunized. Infant mortality has rapidly declined over the past decade, and as of 1998 stood at 43 per 1,000.

Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvent or ignore these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors and that minors must be provided with lawyers; however, in practice police and prosecutors often deny minors access to lawyers and fail to inform parents. Children and juveniles detained under the Anti-Terror Law also often are held for up to 4 days in incommunicado detention. In September the Minister of Justice and the head of Ankara's Bar Association signed an agreement allowing the Bar Association to inspect two children's prison facilities in Ankara, the first such arrangement.

Children have suffered greatly from the cycle of violence in the southeast. The migration—forced or voluntary—of many families, past terrorism against teachers, and school closings in the southeast have uprooted children and moved them to cities that are hard pressed to find the resources to provide basic, mandatory services such as schooling. Many cities in the southeast are operating schools on double shifts, with as many as 100 students per classroom (see Section 1.g.). The Government has built regional boarding schools to help deal with this problem, but they are insufficient in number.

Instances of child beating and abuse are reported more frequently than in previous years, according to women's groups. The increase likely is attributable to greater public awareness of the problem.

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

People with Disabilities.—The law does not mandate accessibility to buildings and public transportation for the disabled. According to the June UNICEF report on women and children in Turkey, welfare institutions "provide limited financial, employment and educational support to the handicapped." According to the report, the number of disabled persons is unknown. The Ministry of Education reports that there are 1.1 million disabled children in the country. Although there are many in-

stitutions for the disabled, most attention to disabled persons remains at the individual and family level. The Government established an "Administration of Disabilities" office under the Prime Ministry in 1997, with the mandate of developing cooperation and coordination among national and international institutions, and to conduct research into issues such as delivery of services. Certain categories of employers are required to hire disabled persons as 2 percent of their employee pool, although there is no penalty for failure to comply.

Religious Minorities.—Jews and numerous Christian denominations are generally free to practice their religions and report little discrimination in daily life. However, there are restrictions on clerical training and on the Orthodox Patriarch in Istanbul, and police disrupted several Christian religious gatherings on the grounds that they were being held in unauthorized locations.

The Government restricts the Orthodox Patriarch by requiring that he be a Turkish citizen and that his selection be approved by the Government. In addition in 1971 the Government closed the only remaining Orthodox theological seminary in the country. As a result, Orthodox citizens have no access to theological training—requisite to become an Orthodox Priest—in Turkey.

In May police raided a small Christian congregation in the Avcilar district of Istanbul and arrested six Turkish citizens, an American, and an Australian. They were charged with opening a Christian training institute without legal permission. The defendants were charged with violating Law 2911, which "prohibits unauthorized meetings and demonstrations." The defendants maintained that they completed the required applications to hold meetings with the assistance of local police officials. The case is currently pending.

Jews and numerous Christian denominations freely practice their religions and report little discrimination in daily life. Some incidents still occur, and extremist groups or individuals target minority communities from time to time. However, during the year no attacks were reported on minority community properties. No perpetrators have been arrested or charged in a 1998 arson attack on the Orthodox shrine, now a museum, at Saint Therapon where the custodian was killed; nor in the December 1997 bombing at the Orthodox Patriarchate. Police protection increased after the 1998 attack, and investigations continue. In June, 33 persons were convicted and given the death penalty for "trying to change the constitutional regime," for their role in setting a July 1993 fire in which 37 secularist intellectuals (mainly Alawi Muslims) died.

No laws prohibit religious conversion. Nonetheless individuals contemplating conversion, especially to Christianity, often face family and community pressures, and proselytizing remains socially unacceptable. Some members of religious minorities claim that they have limited career prospects in government or military service as a result of their religious affiliation. There are no non-Muslim senior officers in the military, according to a senior military official, because non-Muslims do not apply to attend the military academy, and officers must be graduates.

Many religious minority members, along with many in the secular political majority of Muslims, fear the possibility of Islamic extremism and the involvement of even moderate Islam in politics. Islamist journals frequently publish anti-Semitic material.

National/Racial/Ethnic Minorities.—The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority. There are no legal barriers to ethnic Kurds' participation in political and economic affairs, and many M.P.'s, senior officials, and professionals are Kurds; however, Kurds who publicly or politically assert their Kurdish identity or publicly espouse using Kurdish in the public domain risk public censure, harassment, or prosecution. In March the Court of Cassation for the first time affirmed a lower court decision to allow a Turkish citizen to change registry records and give his daughter a Kurdish-language, rather than Turkish, first name. Kurds who are long-term residents in industrialized cities in the West are in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds currently migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, but often little education and few skills.

Private spoken and printed communications in Kurdish are legal; however, the use of minority languages, including Kurdish, in television and radio broadcasts, by political parties, and in schools is restricted by a plethora of laws and even articles of the Constitution (see Section 2.a.); these restrictions are invoked arbitrarily. Although some senior politicians, including the Prime Minister, Deputy Prime Minister Yilmaz, Foreign Minister Ismail Cem, and the head of the intelligence service

have asserted that the Government should allow Kurdish broadcasting, no changes to the applicable laws were made.

The Government circumscribes the activities of organizations such as the MKM, a corporation with branches in several cities outside the southeast, which was established to promote Kurdish language and culture (see Section 2.a.).

The Ministry of Education tightly controls the curriculum in schools (except foreign-language schools not part of the Turkish system). The small numbers of Greek-language students have little opportunity to continue their education in Turkey, and consequently many go to Greece, often never to return.

No accurate accounting of the Romani population exists, but it may be significant in regions near Bulgaria and Greece. No incidents of public or government harassment directed against Roma were reported. However, experts claim that Roma experience discrimination, for example, regarding employment. In June the head of the Diyanet issued a circular instructing muftis to educate the public about Turkish Roma and stressing that Islam considers all persons born equal and without any sins. The circular instructed muftis to dispel myths that lead to discrimination against Roma.

Section 6. Worker Rights

a. The Right of Association.—Workers, except police and military personnel, have the right to associate freely and form representative unions. This right encompasses civil servants, including schoolteachers.

The Constitution stipulates that no one shall be compelled to become, remain a member of, or withdraw from, a labor union. The law states that unions and confederations may be founded without prior authorization based on a petition to the governor of the province of the prospective union's headquarters. Unions are independent of the Government and political parties. They must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. The Constitution requires candidates for union office to have worked 10 years in the industry represented by the union. The Supreme Court in 1998 banned the Disk-affiliated union in the leather sector, Deri-Is, because it violated this article in the Constitution and prohibited it from appealing to a higher court. It applied to the ECHR for redress. The International Labor Organization (ILO) Committee on Freedom of Association has stated that this provision is extremely prejudicial to the interests of the trade unions and has urged that it be repealed.

Just over 13 percent of the total civilian labor force (15 years of age and above) are unionized. The labor force numbers around 22 million, with approximately 43 percent employed in agriculture. There are four confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is); the Confederation of Turkish Real Trade Unions (Hak-Is); the Confederation of Progressive Trade Unions (DISK); and the National Confederation (Misk). There are also 3 public employees unions and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly affecting members' economic and social interests.

Prosecutors may ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms. However, the Government may not dissolve a union summarily.

The constitutional right to strike is restricted. For example, the Constitution does not permit strikes by civil servants, workers engaged in the protection of life and property, and those in the mining and petroleum industries, sanitation services, national defense, and education. The right to strike is suspended for the first 10 years of a company's operations in the nine free trade zones (see Section 6.b.).

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout. Nonbinding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. Unions are forbidden to engage in secondary (solidarity), political, or general strikes, or in slowdowns. The employer may respond to a strike with a lockout but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. Article 42 of Law 2822, governing collective bargaining, strikes, and lockouts, prohibits the employer from terminating workers who encourage or participate in a legal strike. In sectors in which strikes are prohibited, disputes are resolved through binding arbitration.

The Government has the statutory power under Law 2822 to suspend strikes for 60 days for reasons of national security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators still fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and

the Committee on the Application of Standards regard the Government's application of Law 2822 as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserts that the law does not contradict the Committees' principles.

According to the Labor Ministry, from January through November there were 19 strikes in the public sector involving 11,879 workers and 32 strikes in the private sector involving 6,565 workers. During the same period there were also 2 lockouts in the private sector involving 2,483 workers.

Public and private sector workers throughout the country went on strike during the summer to protest efforts by the Government and employers to keep pay raises in line with the Government's planned inflation rate of 25 percent.

Some labor union members faced government limits on freedom of speech and assembly (see Sections 2.a. and 2.b.), while some civil service organizations continued to demonstrate for the right to strike and for higher salaries. Legislation providing the right to strike for civil servants was introduced in the last parliamentary session but was not adopted. Civil servants currently have the right to organize and engage in collective bargaining.

All defendants were acquitted in the trial, begun in 1996, against Turk-Is Chairmanship Council officials who were charged with violating the Associations Law when Turk-Is announced support for political parties during the 1995 election. No action has been taken in a second trial against Turk-Is officials charged with holding illegal demonstrations in 1995 to protest a deadlock in collective bargaining.

With government approval, unions may and do form confederations and join international labor bodies, as long as these organizations are not hostile to Turkey or to freedom of religion or belief. The International Confederation of Free Trade Unions (ICFTU), of which Turk-Is had been an affiliate for years, approved DISK as an affiliate in 1992; Hak-Is became a member in 1997.

b. The Right to Organize and Bargain Collectively.—All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers are organized. The law requires that, in order to become a bargaining agent, a union must represent not only 50 percent plus 1 of the employees at a given work site, but also 10 percent of all the workers in that particular industry. This barrier has the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents nearly 73 percent of organized labor.

The Ministry of Labor reportedly manipulated membership figures to prevent unions from acquiring bargaining rights or to rescind such rights. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity are not covered by a collective agreement.

The ILO has called on the Government to rescind this 10 percent rule, stating that it violates ILO Convention 98. However, both Turk-Is and the Turkish employers' organization favor retention of the 10 percent rule, since each confederation has an established membership area and does not want the status quo upset. In 1994 the Government informed the ILO Committee on the Application of Standards that the Ministry of Labor and Social Security proposed to remove the 10 percent numerical restriction and that it had communicated its proposal to the social partners. The ILO took note of the Government's statement that it continued to study removal of this requirement despite objections from employer and worker organizations. However, since then the Government has taken no further action.

The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must reinstate him and pay all back benefits and salary. These laws generally are applied in practice.

The ILO has urged the Government to take the necessary measures to ensure that workers have effective protection against antiunion discrimination. Some private sector employers continued to try to eliminate unions. A total of 414,000 workers in the public sector were dismissed within the last 2 years. As a result of the privatization of 128 entities in 12 sectors, 10,746 workers were laid off.

The continuing state of emergency in the southeast has resulted in restrictions on labor organizations in four provinces. A law enacted in 1984 provides for the establishment of free trade zones, which are intended to attract domestic and especially foreign investment, and to promote international trade. There are nine such zones operating in Mersin, Antalya, the Aegean region, Trabzon, Istanbul (two), Eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones. However, the right to strike is suspended for the first 10 years of operation of a particular business in the zone. In the meantime, labor disputes that cannot be settled by the parties are subject to compulsory arbitration.

Workers inside the zones are paid in foreign exchange rather than in Turkish currency, giving them a hedge against inflation.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and statutes prohibit compulsory labor, including that performed by children, and the Government generally enforces these provisions in practice; however, trafficking in foreign women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and labor laws forbid the full-time employment of children younger than age 15, with the exception that those 13 and 14 years of age may engage in light, part-time work if enrolled in school or vocational training. The Constitution also states that “no one shall be required to perform work unsuited to his/her age, sex, and capacity.” With this article and related laws, the Government undertakes to protect children from work unsuited to their age and capacity, such as underground mining and from working at night. According to Article 67 of the Labor Law, children who attend school can work no more than 7.5 hours a day, inclusive of school time. The Ministry of Labor effectively enforces these laws only in largescale industrial and service sector enterprises. Children working in agriculture, in household-based establishments, in establishments with three or fewer workers, in apprenticeship training centers, and those working as domestic servants are subject to the Code of Obligations, which fails to provide a minimum age of employment. However, according to Article 174 of the Code of Obligations, children between the ages of 12 and 16 years may not work at night and may work for no more than 8 hours a day.

Child labor is widespread. According to a June United Nations Children's Fund report, 1.07 million children between the ages of 6 and 14 and 2.4 million children between the ages of 15 and 17 are in the labor force. This represents about six percent of all children aged 6 to 14, and 60 percent of those aged 15 to 17. According to an October 1999 State Statistics Institute report, 961,000 children work in family businesses and do not receive wages, 257,000 are seasonal workers, and 387,000 are wage earners. Some 1.1 million of the working children are boys. Child labor is used most often in small-sized enterprises. According to official data, 87 percent of working children are employed by small-sized enterprises having 1 to 9 workers, 7 percent work in medium-size enterprises (10 to 24 workers), and 6 percent are employed by large-scale enterprises (more than 25 workers).

In practice many children work because families need the supplementary income. An informal system provides work for young boys at low wages, for example, in auto repair shops. Girls rarely are seen working in public, but many are kept out of school to work in handicrafts, especially in rural areas. The bulk of child labor occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. It is common for entire families to work together to bring in the harvest.

The gradual elimination of child labor is a national priority. The seventh 5-year development plan, which ran through this year, committed the Government to enact legislation to restrict further child labor and to adopt legislation to conform to relevant international conventions. The Government recognizes the serious problem of child labor and works with the ILO to document its extent and to determine solutions.

The Ministry of Labor, the ILO'S International Program on the Elimination of Child Labor (IPEC) government partner, actively has been combating child labor since 1992, when it established a child labor unit and trained Ministry of Labor inspectors specifically in child labor issues. In 1996 the Government and the ILO signed an agreement to extend IPEC until December 2001. Currently some 70 of the 700 field inspectors are trained to handle child labor issues, while the total number of establishments falling within the jurisdiction of the Ministry is 4 million. Labor inspectors only cover areas that are defined in the labor laws. Many children are working in areas that are not covered by labor laws, such as agriculture or the informal economy and are therefore beyond the reach of the inspectorate.

With the introduction in 1998 of the 8-year compulsory education program (previously, 5 years were compulsory), the Government expected the number of child workers to be reduced significantly, since children are required to attend school until age 14. As yet, no statistics are available concerning the impact of the mandatory 8-year education on child labor.

Small enterprises prefer child labor because it is cheaper and provides practical training for the children, who subsequently are preferred for future employment in the same workplace. If children employed in these businesses are registered with a Ministry of National Education training center, they go to the center once a week for training, and the centers are obliged by law to inspect their workplaces. Currently there are 318 centers located in 80 cities. These centers provide apprentice-

ship training in 86 occupations. Only 22.8 percent of working children take advantage of these schools.

The Constitution prohibits compulsory labor, including that performed by children, and the laws generally are enforced; however, trafficking in foreign girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Ministry of Labor is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body. In recent years, it has done so annually. However, during the year there were two adjustments: the nominal minimum wage was increased in January by 15 percent and again in July by 10 percent, compared with an annual inflation rate of nearly 34 percent. Public workers who are part of collective labor agreements also received an inflationindexed increase and a 5 percent prosperity rate increase. The monthly gross minimum wage rates, which became effective in July, were approximately \$180 (118.8 million TL) for workers over age 16, and \$110 (75 million TL) for workers under 16.

The minimum wage does not provide a decent standard of living for a worker and family. It would be difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. Most workers earn considerably more. According to the results of an August survey conducted by the Public Workers' Labor Union, a four-member family requires \$834 (534 million TL) per month to live above the poverty line. Workers covered by the labor law, who constitute about one-third of the total labor force, also receive a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, make basic wages alone account for only about 37.3 percent of total compensation.

The labor law sets a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribes a weekly rest day and limits the number of overtime hours to 3 per day, for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforces wage and hour provisions in the unionized industrial, service, and government sectors, which cover about 12 percent of workers.

The law mandates occupational health and safety regulations, but in practice the Government does not carry out effective inspection and enforcement programs. Law 1475 allows for the shutdown of an operation if a five-person committee, which includes safety inspectors, employee, and employer representatives, determines that the operation endangers workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes result in scant attention to occupational safety and health by workers and employers alike. The law sets out procedures under which workers may remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—The Government deals with the problem of trafficking in persons through laws relevant to prostitution and illegal immigration. The Ministries of Justice and the Interior are responsible for the problem, and the police, especially the immigration and organized crime authorities, enforce antitrafficking laws. Under the Penal Code, it is illegal to abduct and detain a woman or child. However, this law relates more to the old custom of kidnaping a bride, in which punishment is suspended if abductor and abductee get married. A further provision prohibits enticement to prostitution; however, penalties are light (up to 2 years' imprisonment). A further article of the Penal Code makes it a crime to send a prostitute from one place to another by force or fraud. These laws, and those dealing with illegal immigration, are most relevant to trafficking in persons.

Turkey is a major destination and transit country for trafficking in women and girls for the purpose of forced prostitution. The International Organization for Migration (IOM) and domestic NGO's stated that most trafficked women in the country are from Albania, Bulgaria, Moldova, Romania, and Ukraine. Arrests (and in most cases, deportations) of nationals from Moldova, Romania, and Ukraine rose from 6,700 in 1998 to approximately 11,000 in 1999, according to IOM. According to the Turkish National Police, 232 Moldovan, 293 Romanian, and 175 Ukrainian women were extradited in 2000. African and Asian women use Turkey as a transit point to other countries in Europe.

Organized crime groups appear to be the primary trafficking organizations. The Ministry of the Interior's organized crime department is responsible for combating trafficking. According to NGO's, victims of trafficking receive no governmental assistance and the trafficking cycle continues. Many women and girls come to the country believing that they have legitimate work as models, entertainers, governesses, or translators. In some cases, girls from Romanian orphanages have been kidnaped. Most of the activity occurs in Istanbul, Izmir, and Trabzon. Once in the country, the trafficked women and girls are in debt bondage to their traffickers, who are members of the mafia (mainly Russian). Women who attempt to escape often are

beaten, gang-raped, or killed. The Government addresses this problem with laws relating to illegal migration and unregistered prostitution; registered prostitution is legal.

Reportedly there is almost no trafficking in Turkish women or girls. There were no reports of trafficking in children for the purpose of forced labor; legislation in this area addresses the issue (see Section 6.d.).

There is little formal interagency cooperation in dealing with the problem of trafficking. Representatives from the Ministries of Interior, Justice, and Health, among other ministries and NGO's, have met on this issue. The Alien's Department of the police is the most active governmental entity addressing this problem.

The Government does not provide any formal protection, aid, or education to victims of trafficking. Since the women being trafficked are not usually from Turkey, preventive education is less applicable. Women's shelters are open to women regardless of citizenship.

TURKMENISTAN

Turkmenistan, a one-party state dominated by its president and his closest advisers, continues to exercise power in a Soviet-era authoritarian style despite Constitutional provisions nominally establishing a democratic system. The seriously flawed December 1999 parliamentary elections and the passage of a law exempting President Saparmurat Niyazov from term limits were backward steps. Niyazov, head of the Turkmen Communist Party since 1985 (renamed the Democratic Party in 1992) and President of Turkmenistan since its independence in 1991, legally may remain in office until his death. Niyazov retained his monopoly on power, and the Democratic Party, the renamed Communist Party, remained the sole political party in the country. The Government registered no parties during the year and continued to repress all opposition political activities. Emphasizing stability and gradual reform, official nation-building efforts focused on fostering Turkmen nationalism and the glorification of President Niyazov. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority, and in practice the President controls the judicial system.

The Committee on National Security (KNB) has the responsibilities formerly held by the Soviet Committee for State Security (KGB); namely, to ensure that the regime remains in power through tight control of society and repression of dissent. The KNB reportedly exercises wide discretion over issues such as exit visas and Internet access and works to limit personal freedoms. The Ministry of Internal Affairs directs the criminal police, which works closely with the KNB on matters of national security. Both forces committed serious human rights abuses.

Turkmenistan is largely a desert with cattle and sheep raising, intensive agriculture in irrigated areas, and huge oil and gas reserves. Its economy remains dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. Agriculture, particularly cotton cultivation, accounts for nearly half of total employment. Gas, oil and gas derivatives, and cotton account for almost all of the country's export revenues. Negotiations between the Government and an international gas consortium concerning the construction of a gas export pipeline across the Caspian Sea—the Trans-Caspian Pipeline—stalled in the latter half of the year. While the idea for the pipeline still exists, the Government is focusing instead on negotiating large gas deals with Russia and Ukraine. It is also considering projects for pipelines through Iran and Afghanistan, as well as a pipeline to China.

The Government's human rights record remained extremely poor. The Government continued to commit serious human rights abuses, and the authorities in particular severely restricted political and civil liberties. Citizens do not have the ability to change their government peacefully. In 1999 one political prisoner died in custody under suspicious circumstances. Security forces continued to beat and otherwise mistreat suspects and prisoners, and prison conditions remained poor and unsafe. Both the criminal police and the KNB operate with relative impunity and abused the rights of individuals as well as enforced the Government's policy of repressing political opposition. Arbitrary arrest and detention, prolonged pretrial detention, and unfair trials remained problems. Approximately 12,000 prisoners were amnestied and released during the year; 2 were political prisoners. An additional 2,000 received a reduction of sentence. Interference with citizens' privacy remained a problem. During the year, the Government demolished hundreds of private homes in and around Ashgabat with very little notice given to the owners in order to make room for large urban building projects such as luxury apartments, government

buildings, and monuments; many displaced homeowners received little or no compensation for their loss.

The Government severely restricts freedom of speech and does not permit freedom of the press. In May the Government withdrew the operating licenses of all private Internet providers, leaving only state-owned Turkmen Telecom as a service provider. The Government completely controls the media, censoring all newspapers and never permitting independent criticism of government policy. Criticism of officials is only permitted if it directed at those who have fallen out of favor with the President. The focus of the media on President Niyazov, around whom a personality cult has been built, intensified during the year. The President's father and mother have been incorporated more fully into the cult. Academic freedom has also declined. The Government restricts freedom of assembly and association. The Government imposes restrictions on nonregistered religious groups. The law on religion reaffirms a number of important religious freedoms but also tightens government control of religious groups. The requirement that religious organizations have at least 500 Turkmen citizens as members in a given locality to be registered legally has prevented all but Sunni Muslims and Russian Orthodox Christians from legally establishing themselves. Repression of religious minorities continued during the year, although it abated somewhat during the summer following a government decree against unlawful searches that was issued in April. At least 10 non-governmental groups were registered during the year; 8 were affiliated with Sunni Muslim. Government restrictions on travelling abroad, including for educational and training purposes, tightened during the year. The Government has also increased restrictions on internal travel, limiting travel of both citizens and non-citizens to border cities and regions. Domestic violence against women is a problem, and women experience societal discrimination. The Government generally gave favored treatment to men over women and to ethnic Turkmen over minorities.

In January 1999, the Organization for Security and Cooperation in Europe (OSCE) opened an office in Ashgabat.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—In September 1999, political prisoner and Russian citizen Khoshali Garayev was found hanged in his cell in the maximum security prison in Turkmenbashi. Following his death, the Government rejected requests in 1999 from the Russian Government and international human rights organizations for an investigation into the suspicious nature of Garayev's death (see Sections 1.c. and 1.e.).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1992 Constitution makes torture or other cruel, inhuman, or degrading treatment illegal; however, there were widespread credible reports that security officials frequently beat criminal suspects and prisoners and often used force to obtain confessions. There were credible reports that political prisoners are singled out for cruel treatment. There were reports that prisoners needing medical treatment have been beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions. In November four Protestants were tortured while in police custody and at least three of them subsequently had their homes and cars confiscated after being forced to sign a statement saying that they voluntarily had donated all they owned as a gift to the President (see Section 2.c.).

Prison conditions are poor, and prisons are unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, is rampant. Food is poor and prisoners depend on relatives to supplement inadequate food supplies. Those who do not receive food from relatives suffer greatly. Facilities for prisoner rehabilitation and recreation are extremely limited. Some prisoners have died due to overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In Turkmenbashi prison, inmates reportedly are housed 14 to a cell and are permitted visits from relatives once every 3 months, who may bring food once every 2 months. In Kizlkaya prison, near Dashoguz, prisoners are forced to work in a kaolin mine under hazardous and unhealthy conditions (see Sections 2.b. and 6.c.). In September 1999, a political prisoner was found hanged in his cell under suspicious circumstances (see Sections 1.a. and 1.e.).

The Government does not permit independent monitoring of prison conditions. The OSCE has repeatedly requested permission from the Government to visit prisons, but has received no response.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Constitution states that citizens “have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a state, official, or commercial secret.” However, in practice those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e. and 2.b.).

On January 5, the Government arrested Nurberdy Nurmamedov, the head of the Agzybirlik (Unity) National Movement. Nurmamedov was convicted of hooliganism and making death threats on a business associate; he was given a 5-year term in a labor camp, but was amnestied on December 22. Nurmamedov’s son, Murat, was also convicted of hooliganism and sentenced to 2 years of hard labor, but was put under house arrest instead of going to prison. The arrests of Nurmamedov and his son followed shortly after Nurmamedov’s statements criticizing the December 12, 1999, Mejlis elections and the decision by the Mejlis to appoint Niyazov president for life (see Section 2.a.).

In November 1999, the Government sentenced Parahat Yklimov, the brother of Sapar Yklimov—a former government official who lives outside the country—to 11 years’ imprisonment for financial misconduct. Prior to his arrest, he reportedly had been warned that his brother should cease his political activities abroad. His family reportedly was told by internal security organizations that he would be released if his brother returned to the country.

The precise number of political detainees held at year’s end was unknown. By law a person accused of a crime can be held in pretrial detention for up to 10 months. According to the Government, out of a total of 22,000 prisoners countrywide, some 12,000 prisoners were amnestied and released by year’s end (see Sections 1.e and 3). Among those amnestied were political prisoners Nurberdy Nurmamedov and Pirkuli Tanrikuliev. A further 2,000 prisoners were granted a reduction in sentence. In January 1999, the Government released dissident Gulgeldi Annaniyazov.

In January there were reports that a Baptist pastor and his wife, who were residing legally in the country, were deported to Ukraine. In February the family of jailed Baptist Shageldi Atakov was exiled to a small village outside of Mary (see Section 2.c.). In March the authorities forcibly returned to Russia three Baptist preachers and their families who had been living in Ashgabat and Mary (see Section 2.c.). Also in March, the Government arrested religious leader Hoja Ahmed Orazgulychev and tore down an unregistered mosque and religious school run by Orazgulychev and his followers; he subsequently was released and sentenced to internal exile in Tedjen (see Section 2.c). This occurred after he reportedly gave an interview to the Government that was critical of the President.

In November 1999, President Niyazov announced plans to deport to remote areas any government officials who were found to have committed crimes. President Niyazov proposed that the officials, accompanied if they desired by their families, would work off their sentences in exile. Almost all prominent political opponents of the Government have chosen to move to either Russia, Sweden, Norway, or the Czech Republic for reasons of personal safety; none returned during year.

e. Denial of Fair Public Trial.—The Constitution provides for judicial independence; however, in practice, the judiciary is not independent. The President’s power to select and dismiss judges subordinates the judiciary to the Presidency. The President appoints all judges for a term of 5 years. The appointments are without legislative review, except for the Chairman (Chief Justice) of the Supreme Court, and the President has the sole authority to remove all appointees from the bench before the completion of their terms.

The court system has not been reformed since the Soviet era. It consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat only), and, at the lowest level, 61 district and city courts. A Supreme Economic Court hears cases involving disputes between state-owned enterprises and ministries, and, increasingly, commercial disputes. The Government abolished all military courts in 1997. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. In practice authorities often deny these rights, and there are no independent lawyers, with the exception of a few retired legal officials, available to represent defendants. When a person cannot afford the services of a lawyer, the court appoints one. A person may represent himself in court.

Lower courts’ decisions may be appealed, and the defendant may petition the President for clemency. The President released over 12,000 inmates from prison in connection with general amnesties during the year (see Section 1.d. and 3). In prac-

tice adherence to due process is not uniform, particularly in the lower courts in rural areas. Even when due process rights are observed, the authority of the government prosecutor vis-a-vis the defense attorney is so great that it is very difficult for the defendant to receive a fair trial. The Government denied foreign diplomats access to several supposedly open court proceedings.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov. In January the Government released political prisoners Nurberdy Nurmamedov and Pirkuly Tanrikuliev as part of a general amnesty (see Section 1.d.). In September 1999, Russian citizen Khoshali Garayev, one of two persons convicted in secret before the Supreme Court in 1995 for antigovernment activities and planning terrorist actions against government officials, was discovered hanged in his cell at the maximum security prison in Turkmenbashi. The Government rejected all requests for an investigation into the circumstances surrounding Garayev's death (see Sections 1.a. and 1.c.). In December 1998, he and Mukhamedkuli Aimuradov were sentenced to additional concurrent terms of 18 years for allegedly attempting to escape from this prison.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of protection from arbitrary interference by the State in a citizen's personal life; however, government authorities violated this right. There are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitors the activities of opponents and critics of the Government. Security officials use physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other people, report credibly that their mail is intercepted before delivery.

In the past, the authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. Internal security organizations reportedly pressured relatives of a former government official who left the country to convince him to return (see Section 1.d.). The relatives of a democracy activist convicted on charges of embezzlement lost a government job and access to the state-run university (see Section 2.b.). The authorities also threaten supporters of opposition political movements with loss of employment and homes (see Section 2.b.). In October President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 2.a.).

During the year, the Government demolished hundreds of private homes in and around Ashgabat at very short notice in order to make way for large government building projects such as a new sports stadium, public monuments, and luxury apartments. Those who built their homes without the appropriate approval from the Government were not offered alternate accommodations despite their length of occupancy or degree of hardship. Some of these families continue to live outdoors, near their destroyed homes, for lack of any alternative. Others who had the proper building permission have been offered apartments or plots of land in compensation, but such compensation is often not at fair market value (i.e. desert plots with no amenities) or inadequate for large families.

In April the President ordered the implementation of new procedures restricting searches of private homes (see Section 2.c.). The measures were formally approved by the legislature on June 15 and became effective immediately.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right to hold personal convictions and to express them freely; however, in practice, the Government severely restricts freedom of speech and does not permit freedom of the press. Criticism of the Government can lead to personal hardship, including loss of opportunities for advancement and employment.

The Government completely controls radio and television. It funds almost all print media. The Government censors newspapers and uses Turkmen language newspapers to attack its critics abroad; the Committee for the Protection of State Secrets must approve prepublication galleys. Russian-language newspapers from abroad are available by subscription only and are dated. Some Russian and other foreign newspapers are also available in several Ashgabat hotels. Owners of satellite dishes have access to foreign television programming. Use of satellite dishes in Ashgabat appears widespread, but the dishes are too expensive for poorer residents outside of urban areas.

While Internet access is available, there is now only one provider for the whole country. On May 29, the Government withdrew the licenses of all private Internet providers, leaving state-owned Turkmen Telecom as the sole Internet provider for the whole country. There are credible reports that the Government took this meas-

ure in order to monitor Internet activity, especially electronic mail. Internet access is prohibitively expensive for most citizens. For normal usage, monthly fees average \$20 (400,000 manat at the street rate), which is the amount of the minimum monthly wage.

In June 1999, the tri-language daily Ashgabat dropped its English and Russian sections and now is printed in Turkmen only. There are no Russian-language radio broadcasts and only one short Russian-language news program on television each day. In order to regulate printing and copying activities, the Government ordered in February 1998 that all publishing houses and printing and copying establishments obtain a license and register their equipment.

The Government prohibits the media from reporting the views of opposition political leaders and critics, and it never allows even the mildest form of criticism of the President in print. The focus of the media on President Niyazov, to the exclusion of objective news reporting, intensified during the year and amplified the cult of personality centered around the President. Public criticism of government officials is done almost exclusively by the President himself. The Government has subjected those responsible for critical foreign press items to threats and harassment.

In January the Government arrested and sentenced Nurberdy Nurmamedov, the head of the Agzybirlik (Unity) National Movement, for hooliganism and making death threats; his son Murat was sentenced for hooliganism, as well (see Section 1.d.). The arrests followed shortly after Nurmamedov's statements criticizing the December 12, 1999, Mejlis elections and the decision by the Mejlis to appoint Niyazov president for life.

All foreign correspondents who had applied for accreditation, except the Reuters correspondent, had received it by year's end.

In January 1999 the Government arrested human rights and democracy advocate Vyacheslav Mamedov for remarks on a Russian radio broadcast attributed to him that were critical of the Government's treatment of ethnic Russians. Mamedov was soon released but remained under investigation, and his nongovernmental organization (NGO) remained unregistered at year's end.

Intellectuals have reported that the security organs have instructed them to praise the President in their art and have warned them not to participate in receptions hosted by foreign diplomatic missions. The Minister of Culture attends rehearsals of all theater productions to ensure that they do not contain antigovernment or antipresidential content. The Ministry of Culture must approve plays before they open to the public.

The Government also significantly restricts academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive, such as comparative law, history, or ethnic relations. All publishing companies are state-owned and works by authors of fiction who write about particular periods of history or other topics that are out-of-favor with the Government are not published. The government-controlled Union of Writers has in the past expelled members who have criticized government policy; libraries have removed their works. The Government abolished the Academy of Sciences in 1998. No masters' degrees or doctorates have been granted in the country since that time.

The Government increased restrictions on academic freedom during the year. Following remarks by President Niyazov on September 27, in which he criticized an elementary school history textbook for its portrayal of Turkmen history, all copies of the book were recalled from schools and most have been destroyed. Scholars are very reluctant to begin textbook projects. During the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.d.).

President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 1.f.). The President also decreed that foreign languages would only be taught in special language centers located in specific schools.

b. Freedom of Peaceful Assembly and Association.—The Constitution allows for peaceful assembly; however, the Government restricts this right in practice. Permits are required for public meetings and demonstrations. In the past, there were reports of spontaneous demonstrations; for example, over bread prices. According to Human Rights Watch, in August approximately 200 village women who aimed to bring their grievances before the President were prevented from entering Ashgabat by police forces. In September a group of approximately 30 students who had been accepted to study in Turkey but who had been denied exit visas demonstrated along with their parents in front of the cabinet of ministers building.

The Constitution allows for freedom of association; however, the Government restricts this right in practice. Unregistered organizations with political agendas are

not allowed to hold demonstrations or meetings. No political groups critical of government policy have been able to meet the requirements for registration. The Government uses laws on the registration of political parties to prevent the emergence of potential opposition groups. At present the only registered political party is the Democratic Party, the former Turkmen Communist Party.

Social and cultural organizations without political aims are allowed to function, but have found it difficult to register as legal entities. However, during the year, the Government reportedly registered at least 10 NGO's: 8 groups affiliated with Sunni Islam (see Section 2.c.), 1 union of entrepreneurs and inventors, and 1 educational support group. Two registered NGO's that had experienced legal difficulties and were in danger of being closed down by the Government earlier in the year had resolved their legal disputes by year's end. One of the NGO's was in the process of re-registration and the other, which had not previously been registered, was not registered but was operating normally.

Theoretically citizens have the freedom to associate with whomever they please; however, the authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and even threatened them with the loss of their homes. In addition some citizens with links to foreigners are subject to official intimidation. In July 1999, the Government arrested former parliamentarian and democracy advocate Pirkuli Tanrikuliev on charges of embezzlement after he discussed forming a new political party with Western diplomats. Thereafter the Government convicted him, sentenced him to 8 years in prison, and stripped him of his medical credentials. Shortly before his arrest, his daughter lost her government job and his youngest son was removed from the list of those accepted into the state-run university. He was released under the presidential amnesty in December.

c. Freedom of Religion.—The Constitution provides for freedom of religion and does not establish a state religion; however, the Government imposes restrictions on most religious groups. Citizens are overwhelmingly Muslim, but Islam does not play a dominant role in society, in part due to 70 years of Soviet rule. The Government pays the salaries of Muslim clerics.

There is no state religion, but a modest revival of Islam has occurred since independence. The Government has incorporated some aspects of Muslim tradition into its efforts to define a Turkmen identity. Publication of the President's philosophical and spiritual guidelines on what it means to be Turkmen, known as "rukhname," has been delayed several times. There is widespread concern over what rukhname might mean for individual freedom. The state-supported Council on Religious Affairs (CRA) is part of the government bureaucracy rather than an organ for promoting interfaith dialog. The Russian Orthodox council member wears presidential medals on his clerical vestments. According to a Keston News Service report, the Council appears to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, despite the fact that this role is not listed among the CRA's duties in the Law on Religion. During the year, the Government registered 10 new NGO's, 8 of which were affiliated with Sunni Islam (see Section 2.b.).

While it affirms a number of important religious freedoms, the Law on Freedom of Conscience and Religious Organizations, which was amended in 1995 and again in 1996, also provides for significant government control of religion. Religious congregations are required to register with the Government and must have at least 500 Turkmen citizens over the age of 18 as adherents to be registered. This requirement has prevented all but Sunni Muslims and Russian Orthodox Christians from setting up legal religious organizations. Moreover the Government applies this 500-member standard on a local basis. A religious group must have at least 500 adherents in each city in which they wish to be registered.

This restriction also has caused problems for a number of minority religions, including the Baha'i Faith, which was registered by the Government in 1994 only to be deregistered in 1997 when the threshold was raised to 500 adherents. Members of the Baha'i Faith have been prevented from conducting services since 1997 and, in 1997 and 1998, were questioned by internal security representatives for holding private prayer meetings in their homes. Although the local Baha'i community in Ashgabat was able to open its center for 1 day in March 1999 to celebrate the Faith's Nowruz (spring) holiday, this year the community believed that they would not be permitted to open for Nowruz and therefore did not request permission to open. However, the local Baha'i community in Ashgabat was able to conduct a memorial service at a local restaurant in January. In January 1999, the Armenian community in Turkmenbashi applied to local authorities to use a church appropriated during the Soviet era as a cultural center pending registration as a religious organization; however, at year's end, it had not yet received a response from the

Government. The Halk Maslahaty (People's Council) had not yet reduced the 500 person threshold by year's end.

Although the law protects freedom of religion, the Government states officially that proselytizing by unregistered religions—i.e., everything other than Sunni Islam and Orthodox Christianity—is illegal. Government permission is required for any mass meetings or demonstrations for religious purposes. The Government also restricts the travel of clergy or members of religious groups to the country. Islamic religious literature is distributed through the mosques. Orthodox churches are permitted to offer religious literature. Unregistered religious groups face government harassment if they attempt to meet or distribute religious literature. In March border officials confiscated religious materials being brought into the country in bulk by a visiting group affiliated with an evangelical Christian organization.

In August 1999, Shageldi Atakov, a prominent member of the Baptist faith, was sentenced to 4 years in prison and fined \$12,000 (686 million manats)—an astronomical sum considering average wages in the country amount to \$30 (approximately 156,000 manats) a month—for an alleged illegal transfer of automobiles in 1994 that Atakov denied. On February 3, the local Committee of National Security (KNB) chief reportedly expelled Atakov's wife and children from Mary to Kaakha, where they were told not to leave the town (see Section 1.d.). In March the Government arrested Atakov's brother Chariyar on unknown charges and imprisoned him for 15 days. Credible press reports indicate that a series of efforts to intimidate Baptist congregations throughout the country took place at the beginning and end of the year, including raids of homes and confiscation of religious materials. In March the authorities forcibly returned to Russia three Baptist preachers and their families who had been living in Ashgabat and Mary (see Section 1.d.). At year's end, there were many reports of Baptist churches in several cities having been harassed by the Government.

The Government also harassed Pentecostals. On February 4, law enforcement authorities reportedly beat the Pastor and confiscated religious materials at a Pentecostal facility in Tejen. On February 6, agents from the KNB broke up a service at a Pentecostal house of worship in Ashgabat and recorded the names of all those present.

Muslims were also the target of mistreatment. In March the Government arrested religious leader Hoja Ahmed Orazgulychev and tore down an unregistered mosque and religious school run by him and his followers. President Niyazov ordered that all copies of Orazgulychev's Turkmen translation of the Koran be burned. Orazgulychev subsequently was released and sentenced to internal exile (see Section 1.d.). He earlier had criticized President Niyazov for directing that Turkmen children dance around a Christmas tree during New Year's celebrations (see Sections 1.d.).

In April President Niyazov ordered that Muslim madrassahs and other religious schools be closed and that only two such schools, functioning under the auspices of the government-controlled Muftiyat, be allowed.

The President ordered the implementation of new procedures restricting searches of private homes in April, which the legislature approved in June (see Section 1.f.). The period following these measures reportedly saw a significant reduction of police harassment of some religious believers in their private homes and a reduction in the confiscation of religious property during the summer. However, there was an increase in such activity during the last 4 months of the year.

In October KNB officials detained Seventh Day Adventist pastor Pavel Fedotov at a Bible reading in Turkmenabad and charged him with holding an unsanctioned meeting and confiscating videotapes; he was released several days thereafter. In November four Protestants were reportedly tortured by police because of their religious affiliations, and at least three of them had their homes and cars confiscated after being forced to sign a statement saying that they had voluntarily donated all they owned as a gift to the President (see Section 1.c.). Police continued to detain and harass the Protestants after the initial incident.

The Seventh Day Adventist congregation in Ashgabat, whose church was demolished on short notice in November 1999 as part of a Government urban clearing project, has received neither compensation nor alternative premises for worship.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government imposes restrictions both on freedom of movement within the country and on travel abroad. The Government has tightened restrictions on travel to border cities and regions, having declared large parts of the country closed. Throughout the year, the President repeatedly told the Ministry of Foreign Affairs to maintain control over foreigners in the country. Citizens still carry internal passports. These documents are used primarily as a form of identification, rath-

er than as a means of controlling movement. Residence permits are not required, although the place of residence is registered and noted in passports.

The Government uses its power to issue passports and exit visas as a means of restricting international travel. Any citizen who wishes to visit a foreign country must obtain an exit visa, which can take up to 5 weeks to process. Although not new, this policy became more onerous in June 1999 when the country withdrew from the visa agreement of the Commonwealth of Independent States. The official reason given by the Government for this action was to secure the country's borders against foreign criminal elements. Most citizens are permitted to emigrate without undue restriction. During the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.a.).

The government-funded Council of World Turkmen provides assistance to ethnic Turkmen abroad who wish to return to the country and apply for citizenship; however, the Government discourages immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries. Immigration of non-Turkmen from other areas of the former Soviet Union is discouraged by the unofficial policy of favoring employment of ethnic Turkmen.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The 1997 Law on Refugees establishes the procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. The country currently provides first asylum if the person is recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). The Government has granted refugee or asylee status to some ethnic Turkmen from Afghanistan and has allowed some Tajik refugees and migrants to reside in the country. The Government cooperates with the UNHCR and other humanitarian organizations that assist refugees. There were no confirmed reports of the forced expulsion of those having a valid claim to refugee status. There have been unconfirmed reports of small numbers of refugees being forcibly returned by individual border guards; however, according to the UNHCR, there is no clear pattern of abuse or forced expulsion of refugees, with the exception of such low-level harassment.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no real ability to effect peaceful change in the Government and have little influence on government policy or decisionmaking. The 1992 Constitution declares Turkmenistan to be a secular democracy in the form of a presidential republic. It calls for the separation of powers between the various branches of government, but vests a disproportionate share of power in the Presidency. In practice President Niyazov's power is absolute, and the country remains a one-man state. Despite the appearance of decisionmaking by consensus, most decisions are made at the presidential level. In his address to the Halk Maslahaty in July 1998, President Niyazov called for local councils and village leaders to have greater power and authority to deal with local issues; however, in reality even local leaders are selected and dismissed by the President. In December 1999, the Halk Maslahaty proposed, and the newly elected Mejlis (Parliament) approved, a law making an exception to the constitutionally mandated maximum of two 5-year terms for the President, but only for Niyazov, as the country's first president, conferring on him a lifetime term in office.

In November 1998, the President announced that any Turkmen citizen who would like to write to him with a complaint could do so directly. Special mailboxes were set up throughout the country and, in the first year, some 140,000 letters were received by the President. Citizens still apparently write to the President because these letters are often cited in the local media, but the numbers received during the year were not reported.

In the 1992 presidential election, the sole candidate was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. A 1994 national referendum extended the President's term to 2002, obviating the need for the scheduled presidential election in 1997. According to the official results, 99.9 percent of those voting cast their ballots to extend his term. The policy of the Democratic Party, according to its leadership, is to implement the policy of the President. In August 1999, the Government changed the national oath to require that citizens swear personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

The 50-member Mejlis routinely supports presidential decrees and has no real independence. In the 1994 Mejlis elections, no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. President Niyazov promised in 1998 that the parliamentary elections scheduled for December 1999 for a reconstituted Mejlis would be "free and fair" and conducted on a "wide democratic basis"; however, the elections were seriously flawed. Although there were at least two candidates for each Mejlis seat, every candidate was selected by the Government, and there was no open discussion of the issues. The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE declined to send an observation or limited assessment mission for the elections. In its public explanation, ODIHR cited serious concerns that the broad electoral framework in the country fell short of its OSCE commitments. The Government claimed that 98.9 percent of eligible voters participated. Diplomatic observers noted many empty polling stations, extensive use of mobile ballot boxes, and numerous instances of family voting.

There are no legal restrictions on the participation of women or minorities in the political process; however, women are underrepresented in government and politics. Thirteen members of the 50-member Mejlis are female, although women constitute over 50 percent of the population. Women serve in the following positions: Minister of Textiles, Prosecutor General, Chief of Presidential Protocol, Deputy Minister of Health, Deputy Minister of Social Welfare, Deputy Minister of Education, Deputy Minister of Economy and Finance, and Deputy Chairman for Textiles and Foreign Trade. No women serve as provincial governors. Minorities are represented in the Government, although preference is given to ethnic Turkmen. The Mejlis consists of 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Uzbek.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no local human rights monitoring groups, and government restrictions on freedom of speech, press, and association would preclude any effort to investigate and criticize publicly the Government's human rights policies. Several independent journalists based in Russia report on these issues in the Russian press and have contact with international human rights organizations. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights issues.

In January 1999, President Niyazov signed a decree establishing a human rights commission that he heads. The commission oversees the work of law enforcement agencies, the military, and the judiciary, but it appears to have little real authority. The commission is subordinate to the National Institute for Democracy and Human Rights under the President, which has been in operation since 1997. Its mandate is to support the democratization of the government and society and to monitor the protection of human rights. The Institute maintains four full-time staff members to receive and resolve citizen complaints of arbitrary action. Of the 2,590 complaints received during the year, some 35 percent concerned appeals, pardons, and abuses by law enforcement officials; 10 percent dealt with social and economic problems; and 24 percent concerned housing. The remainder were in the miscellaneous category. In general the Institute conducts a study of the complaint and returns its findings to the individual and the organizations involved. However, the Institute is not an independent body, and its ability to obtain redress is limited by government interests.

In January 1999, the OSCE opened an office in Ashgabat. There was no further progress on negotiations on a memorandum of understanding between the Government and the OSCE.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights and freedoms for all, independent of one's nationality, origin, language, and religion. It further specifies equal rights before the law for both men and women. There is no legal basis for discrimination against women or religious or ethnic minorities. However, cultural traditions and the Government's policy of promoting Turkmen nationalism limit the employment and educational opportunities of women and nonethnic Turkmen.

Women.—Anecdotal reports indicate that domestic violence against women is common, but no statistics are available. The subject is not discussed in society. There are no court cases available and no references to domestic violence in the media. One unofficial group to support battered women operates in Ashgabat.

Women are underrepresented in the upper levels of state-owned economic enterprises and are concentrated in the health care and education professions and in

service industries. Women are restricted from working in some dangerous and environmentally unsafe jobs. Under the law, women enjoy the same inheritance and marriage rights as men. However, in traditional Turkmen society, the woman's primary role is as homemaker and mother, and family pressures often limit opportunities for women wanting to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favor men over women.

There is only one officially registered women's group, which is headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. The Government has no program specifically aimed at rectifying the disadvantaged position of women in society, as it does not acknowledge that women suffer discrimination.

Children.—The Government's social umbrella covers the welfare needs of children. The Government has not taken effective steps to address the environmental and health problems that have resulted in a high rate of infant and maternal mortality. In September 1999, the Government cut the number of years of basic education from 10 to 9 years; however, children now in their eighth, ninth, or tenth year of education will be unaffected. There is little difference in the education provided to girls and boys. Education is free and compulsory.

Class sizes in the country are increasing rapidly, facilities are deteriorating, and funds for textbooks and supplies are decreasing. In September the President called for a reduction in the number of teachers by 10,000 before the end of the year. Educators are concerned that this will further exacerbate crowded classrooms, overwork teachers, and further reduce the quality of education in the country. The ostensible reason for the reduction is to increase salaries for the remaining teachers. However, past similar promises have been unfulfilled, and teachers are routinely paid 2 to 3 months late. In 1998 the Ministry of Education (MED) increased the number of students per class from 30 to 45. Wages for teachers and administrators are in arrears in many districts; this, added to the fact that salaries are low, has caused some teachers to leave the field and seek jobs in the private sector, leaving classrooms overcrowded.

Bribery has become a main component of the admission process at prestigious departments in universities. Although officially free, admission to many faculties at Turkmen State University in Ashgabat reT 0aD0.eibas btwbeen\$20,000 and\$40,00y. MEy disourtagedschoolss fromheaving monracis wnthNGOOn tiosy.

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the Government has intensified its campaign over the past year for official business to be conducted solely in Turkmen. Some high-ranking government officials have been publicly criticized by the President for their failure to speak Turkmen. In accordance with his wishes, Russian language usage in newspapers has been cut back sharply during the past few years (see Section 2.a.). In June 1999, the Government switched one of the Russian language daily newspapers to Turkmen and reduced daily Russian news broadcasts on state-run television to 30 minutes. In October 1999, the state radio ceased entirely its daily 15-minute Russian language news broadcast. During the year, there were no Russian language radio broadcasts and only 15 minutes of news in Russian on television each day. Nonethnic Turkmen employees at government ministries reportedly were given until December 1999 to learn Turkmen, and there have been reports that some government employees, such as doctors and teachers, have been dismissed from their positions because they failed to learn the language. The most prominent example was the rector of the Polytechnical Institute in Ashgabat, who was dismissed from his position in 1999 for his inability to speak Turkmen.

Non-Turkmen fear that the designation of Turkmen as the official language places their children at a disadvantage educationally and economically. They complain that some avenues for promotion and job advancement are no longer open to them. Only a handful of non-Turkmen occupy high-echelon jobs in the ministries, and there are reports that managerial positions were closed to non-Turkmen. As a result of these restrictions, more and more ethnic Russians view their situation in the country as deteriorating and are seeking Russian citizenship.

Section 6. Worker Rights

a. The Right of Association.—Turkmenistan inherited the Soviet system of government-controlled trade unions. There are no legal guarantees entitling workers to form or join unions. The Colleagues Union is the only legal central trade union federation permitted, and it claims a membership of 1.3 million; its member unions are divided along both sectoral and regional lines. Unions may not form or join other federations.

While no law specifically prohibits the establishment of independent unions, there are no such unions, and no attempts were made to register an independent trade union during the year.

The law neither prohibits nor permits strikes and does not address the issue of retaliation against strikers. Strikes are extremely rare and no strikes were known to have occurred during the year.

There is no information available on union affiliation with international unions. The country joined the International Labor Organization in 1993.

b. The Right to Organize and Bargain Collectively.—The law does not protect the right to collective bargaining. In practice in the state-dominated economy, the close association of both the trade union and the state-owned enterprise with the Government seriously limits workers' ability to bargain, and workers often go months without pay or receive their paychecks late.

The Ministry of Economics and Finance prepares general guidelines for wages and sets wages in health care, culture, and some other areas. In other sectors, it allows for some leeway at the enterprise level, taking into account local factors. The Government determines specific wage and benefit packages for each factory or enterprise.

The law does not prohibit antiunion discrimination by employers against union members and organizers, and there are no mechanisms for resolving such complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor; however, there were unconfirmed, anecdotal reports of trafficking in women (see Sections 5 and 6.f.) and reports of prisoners being forced to work in a kaolin mine in Kizlkaya prison, near Dashoguz, under hazardous and unhealthy conditions (see Section 1.c. and 2.b.). The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of children who work in cotton harvesting in rural areas (see Section 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday is 8 hours).

A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely is granted. Violations of child labor laws occur in rural areas during the cotton harvesting season, when teenagers

work in the fields and children as young as 10 years of age sometimes help with the harvest.

The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas (see Section 5 and 6.c.).

e. Acceptable Conditions of Work.—There is no minimum wage. In December 1999, the Government raised the average wage in the state sector to approximately \$77 (400,000 manats) per month at the official rate. While the Government subsidizes the prices of many necessities and provides others free of charge, this wage falls short of the amount required to provide a decent standard of living for a worker and his or her family. Most households are multigenerational, with several members receiving salaries, stipends, or pensions. Even so, many people lack the resources to maintain an adequate diet, and meat is a luxury for most citizens.

The standard legal workweek is 40 hours with 2 days off. Individuals who work fewer hours during the week or are in certain high-level positions may also work on Saturdays.

The country inherited from the Soviet era an economic system with substandard working conditions—one in which production took precedence over the health and safety of workers. Industrial workers often labor in unsafe environments and are not provided proper protective equipment. Some agricultural workers are subjected to environmental health hazards. The Government recognizes that these problems exist and has taken some steps to address them, but it has not set comprehensive standards for occupational health and safety. Workers do not always have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—There are unconfirmed, anecdotal reports of women from Turkmenistan traveling to Turkey and the United Arab Emirates (U.A.E.) and working as prostitutes, especially before the U.A.E. tightened its entry visa requirements for young women over the past few years. The Government does not have programs in place to combat trafficking in persons, but cooperates in educational efforts on this topic. In November 1999, the Government and the International Organization on Migration hosted a 1-day seminar on illegal migration during which trafficking in women was discussed in detail.

UKRAINE

Ukraine is governed by a directly elected president and a unicameral parliament, the Verkhovna Rada (Supreme Council), which is elected partially according to proportional representation and partially by direct constituency mandate. Incumbent President Leonid Kuchma was reelected after two rounds of voting on October 31 and November 14, 1999. There were some irregularities during the election campaign and during the balloting, including those cited in the March 7 final report of the Office for Security and Cooperation of Europe/Office of Democratic Institutions and Human Rights (OSCE/ODIHR) which stated that the presidential elections of October and November 1999 “failed to meet a significant number of the OSCE election related commitments.” However, almost all observers agreed that the election results reflected the will of the electorate. Despite numerous flaws and irregularities, previous national elections in 1998 and 1994 also generally reflected the will of the electorate. The President appoints the Cabinet and controls government operations. In an April referendum, which observers described as flawed in several respects but probably reflected the will of the people, voters approved several changes to the Constitution which would expand presidential powers and increase executive branch influence over Parliament. The Constitutional Court later struck down two of the six proposed amendments; however, constitutional changes had not been implemented by year’s end. The Constitution mandates an independent judiciary; however, the courts are funded through the Ministry of Justice, are subject to political interference and corruption, and are inefficient.

The Security Service of Ukraine (SBU), the Ministry of Internal Affairs (which controls the various police forces), and the Ministry of Defense have equal responsibility for internal security and report to the President through the Cabinet. The State Tax Administration also has law enforcement powers, which it exercises through the tax police. The armed forces largely have remained outside of politics. While civilian authorities generally maintain effective control of the security forces, institutional government corruption sometimes can lead to their improper use. The SBU and other government agencies have interfered indirectly in the political proc-

ess through criminal and tax investigations of politicians, journalists, and influential businessmen. Members of the security forces committed human rights abuses.

Ukraine is making a difficult transition from a centrally planned to a market-based economy. The private sector has continued to grow and now represents a substantial portion of the economy. For the first time since independence, the country experienced economic growth (5 percent). Nevertheless, the country remains in a serious economic crisis. While the Government made some progress in key areas such as privatization, energy, and the state budget, the country lacks many of reforms needed to generate sustainable economic growth. Industrial output has suffered years of sharp decline. A 1999 presidential decree on agricultural reform led to a break-up of the Soviet-era state farm system. Legislation enabling the granting of land titles was passed; however, the property rights of former collective farm workers are weak and poorly defined. Production in key areas such as wheat was unreliable. The summer grain harvest was the worst since 1945, but the winter crop was the best in years. According to official statistics, about half of the work force is employed formally in manufacturing, with the balance divided between services and agriculture; however, in reality many industrial enterprises have reduced or stopped production. Exports are diversified and include metals, chemicals, sugar, and semi-finished goods. The annual per capita gross domestic product for the year was approximately \$669. However, millions of employees go months without being paid, and most individuals derive a significant proportion of their income from the shadow economy. Inflation was 19 percent during the first half of the year, but averaged less than 0.5 percent per month since June. Investment remains at low levels, with many potential investors discouraged by rampant corruption, onerous taxation, and arbitrary licensing practices. Unemployment has affected women disproportionately; 56 percent of those officially registered as unemployed are women. Wealth is concentrated in the political elite and among directors of state-dominated sectors such as metals, oil, and gas.

The Government's human rights record was poor in some areas; however, the Government continued to respect the rights of its citizens in other areas. In previous years, police and military committed extrajudicial killings; however, there were no reports of such incidents during the year. A prominent journalist disappeared in September. In November a decapitated body believed to be his was found. Later that month, a prominent political opponent accused the President of complicity in the disappearance. Those charges have not been proved or disproved. The Government asserted that it is investigating the journalist's disappearance and conducting tests to determine the identity of the corpse; however, the case remains unsolved at year's end, and the authorities' poor handling of the investigation proved a source of great concern. Police and prison officials regularly tortured and beat detainees and prisoners, sometimes resulting in death. The beating of conscripts in the army by fellow soldiers was common and sometimes resulted in death. Prison conditions are harsh and life-threatening. There were instances of arbitrary arrest and detention. Lengthy pretrial detention in very poor conditions was common, and detainees often spent months in pretrial detention for violations that involved little or no prison time if convicted. Long delays in trials are a problem. The Government rarely punishes officials who commit abuses. The SBU, police, and Prosecutor's Office have drawn domestic and international criticism for their failure to take adequate action to curb institutional corruption and abuse in the Government. Many high-profile corruption cases have been dropped, ostensibly because of lack of evidence. Anticorruption legislation has been enforced selectively, mostly against government opponents and low-level officials. Political interference and corruption affect the judicial process. The judiciary is overburdened, inefficient, and lacks sufficient funding and staff. These factors undermine citizens' right to a fair trial. The criminal justice system has been slow to reform, due to both lack of government effort and strained economic resources. The Government continued to intrude in citizens' lives and infringe on their privacy rights. The Government interfered with the news media and restricted freedom of the press; however, a wide range of opinion is available in newspapers and periodicals. Government interference was particularly severe during the period preceding the April referendum on amendments to the Constitution that would expand presidential powers by limiting the power of the Parliament and in response to coverage of the scandal surrounding the disappearance of an opposition journalist. Self-censorship remained a significant problem. During the 1999 presidential election campaign, government authorities interfered in the election process and stepped up pressure on the media through tax inspections and other measures. The national broadcast media came under particular pressure. There were some limits on freedom of assembly, and there were some instances of restrictions on freedom of association. Limitations on nonnative religious organizations constrained freedom of religion. The Government took steps to return to religious

groups properties expropriated during the Soviet era. It returned two churches that were rebuilt with government funds. Some limits on freedom of movement, most notably the registration or "propiska" system, remained. The Government took steps to support the return and resettlement of exiled Tatars in Crimea. As many as 10 elected mayors from several regions reported government harassment stemming from their lack of support for President Kuchma during the 1999 presidential campaign. The SBU monitored the activities of nongovernmental organizations (NGO's) during the year. Violence and discrimination against women; violence against children; societal anti-Semitism; and discrimination against religious, racial, and ethnic minorities are problems. The Government discourages some workers from organizing unions, and forced labor in the form of trafficking in women and girls for sexual exploitation is a significant problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government agents. In previous years, members of the police and military committed extrajudicial killings; however, there were no reports of such incidents during the year.

There were reports in previous years that police beat persons at alcohol corrective treatment centers and sometimes killed them (see Section 1.c.).

Members of the armed forces killed soldiers during violent hazing incidents in previous years (see Section 1.c.). According to a government official, in 1998 10 to 12 military personnel were beaten to death, and a total of 20 to 30 died as an indirect result of injuries sustained from hazing.

Abuse of prisoners and detainees, and harsh prison conditions, sometimes led to death (see Section 1.c.). Statistics on prison deaths for this year were unavailable. In 1998 there were 1,901 deaths in prison and detention facilities, many due to harsh conditions.

The pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, and journalists have been the victims of possibly politically-motivated—and sometimes fatal—attacks. There were allegations of government involvement in the disappearance and presumed death of opposition journalist Heorhiy Gongadze; however, those charges have not been proven (see Section 1.b.).

No official statistics for contract killings during the year were available.

The Government made no known progress in resolving a number of the high profile killings of past years. No progress was made in solving the 1999 murder of the security chief of the independent television station STB or the 1999 killings of the chairman of the regional arbitration court Borys Vihrov and the director of local television station Igor Bondar in Odessa. The Government also made no known progress in resolving the 1998 murders of former director of the national bank Vadym Hetman, deputy head of the Crimean government Aleksandr Safontsev, the mayor of Shakhtersk, or the campaign manager of a Kiev mayoral candidate. Nor was there any progress in resolving the 1997 murders of the governor of the Razoolnensky district, the Crimean deputy minister for tourism and resorts, the murder of prominent businessman Arkadiy Tabachnyk, or the bombing of the intensive care unit in Simferopol. In May police arrested a suspect in the 1995 killing of Member of Parliament Yevhen Shcherban.

b. Disappearance.—On September 16, prominent journalist Heorhiy Gongadze disappeared. Gongadze was the editor of the on-line news journal *Ukrainska Pravda* and was a frequent critic of both the Government and leading business figures. In a July open letter addressed to the Prosecutor General, he complained of government harassment, including being followed and questioned by security forces. In early November, police found a decapitated body outside of Kiev, which Gongadze's friends and family believed was that of the missing journalist. The Government asserted that it is conducting a full-scale investigation of his disappearance. The body was sent to forensic experts for examination, yet no positive identification was made by year's end—authorities did not begin the process of conducting a DNA test until mid-December. On November 28, the leader of the Socialist Party, Oleksandr Moroz, accused the President and other senior government officials of complicity in the disappearance of Gongadze. He also released audio tapes purporting to be conversations between the President, his Administration Chief Volodymyr Lytvyn, and Minister of Internal Affairs Yuri Kravchenko discussing the desirability of Gongadze's abduction. The tapes, provided by a former Presidential security guard, were not authenticated officially by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police and prison officials regularly tortured and beat detainees and prisoners, and there were numerous reports of such abuse. Amnesty International (AI) and other human rights groups continued to receive regular reports that Berkut (special militia units or riot police) troops tortured and beat inmates as part of regular training exercises. The media reported that police subjected detainees to the “swallow,” in which the detainee is placed on his stomach and his feet are tied to his hands behind him, forcing his back to arch. Another abuse is the “baby elephant,” in which a gas mask is placed on the prisoner’s head and the flow of oxygen slowly reduced. Detainees also were subjected to a method called the “monument,” in which a prisoner is suspended by his hands on a rope and beaten. Requesting an attorney often leads to a worse beating, and detainees may be beaten until they waive their right to an attorney. There is no effective mechanism for registering complaints about mistreatment or for obtaining redress for such actions. Prisoners may address complaints to the Ombudsman, and that office has received widespread reports of torture in pretrial detention. However, the Ombudsman has no enforcement authority, and the Government made little effort during the year to end such practices or to punish officials who committed or abetted such abuses. According to the Office of the Ombudsman, most of the complaints that it received centered on human rights violations by law enforcement personnel. In 1999 the Ombudsman was criticized for failing to investigate whether special police units beat prisoners during regular exercises in jail. During the year, the Ombudsman made the treatment of prisoners a priority and investigated conditions in at least two prisons. On December 1, 1999, the Parliament passed an amendment to the Criminal Code that prescribes up to 15 years’ imprisonment for torture. However, human rights monitors reported little difference in the treatment of prisoners since adoption of this law.

Police also abused Roma, particularly in the Transcarpathian region, and harassed and abused dark-skinned persons (see Section 5). Police also harassed journalists and refugees (see Sections 2.a. and 2.d.). Police corruption also remained a serious problem.

Reports continued of harsh conditions and violence against conscripts in the armed forces. Senior officers reportedly required malnourished recruits to beg for food or money. Senior conscripts often beat recruits, sometimes to death (see Section 1.a.). Punishment administered for committing or condoning such activities did not serve as an effective deterrent to the further practice of such abuses. Between 1991 and 1998, 450 soldiers were convicted of violent harassment of their colleagues; approximately 200 military personnel were prosecuted in 1998 for violent hazing (10 to 12 conscripts were beaten to death, and 20 to 30 died from injuries related to hazing).

Some politically active individuals were wounded in violent attacks. In February unknown assailants beat parliamentarian Oleksandr Yeliashkevych near a hotel where several Members of Parliament live. Five suspects were charged in the October 1999 bombing in which presidential candidate Natalia Vitrenko was wounded slightly, and more than 30 others were injured. No progress was reported in resolving the April 1999 wounding by gunshot of Kiev municipal government official Mykola Pidmogylly or the November 1999 shooting of Vinnytsia Mayor Dmytro Dvorkis.

Members of the press were hurt in violent incidents throughout the year. In July Anatoliy Zhuchynsky, a reporter for the Vinnytsia newspaper 33 Channel, was assaulted outside his home. He linked the attack to his political reporting. In August two men assaulted Valentyna Vasylenko, a reporter for the Cherkassy newspaper Antenna, in the stairway outside her apartment. She attributed the attack to her coverage of criminal groups. In September Nikolay Severin, an editor of an independent paper in Luhansk, was attacked by brick-wielding assailants outside his home. He blamed the assault on his critical reporting.

No progress was made in resolving the 1999 firebombing of the office of the Tatar Assembly Mejlis in Simferopol or the 1999 bombing of the office of the Communist Party leader Leonid Hrach in Simferopol. Accusations by opposition presidential candidate Marchuk linking the presidential administration to a false bomb threat that disrupted a 1999 meeting between Marchuk and local residents were never proven.

In 1998 the Government created a penal department to oversee reform of the penal system and to serve as the administrative center of the penal system. The new department originally was placed under the oversight of the Ministry of Interior, but it was given the status of an independent government agency by presidential decree in 1999. However, human rights groups report that this change in

status has not affected its practices. The Government failed to punish prison and police officials who committed or condoned violence against prisoners.

There was no improvement during the year in prison conditions, which are harsh, life-threatening, and do not meet minimum international standards. Prison officials intimidated and mistreated inmates. Due in part to the severe economic crisis, prisons and detention centers were severely overcrowded and lacked adequate sanitation and medical facilities. According to official statistics, funding for prisons decreased by almost 14 percent over the last 3 years. During the year, the Government announced a general amnesty for 34,800 inmates intended to relieve overcrowding. Because the country lacks a well-developed system of suspended sentences, and the law does not differentiate between misdemeanors and felonies, at least one-third of inmates were convicted of only minor violations.

Conditions in pretrial detention facilities routinely failed to meet minimum international standards. Inmates sometimes were held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. Overcrowding is common in these centers. For example, the pretrial detention center in Kiev, houses 3,500; it was constructed to hold 2,850 persons.

According to official sources, information on the physical state of prison walls and fences as well as pretrial detention blocks is considered to be a government secret. However, the press reported freely about harsh prison conditions. In 1998 there were 1,901 deaths in prisons and detention facilities, which was more than 3 times the death rate of the general population. Poor sanitary conditions result in deaths from diseases such as tuberculosis and dysentery. There are frequent incidents of murder by fellow inmates and suicide.

Conditions in the Interior Ministry's Corrective Labor and Treatment Centers for Alcoholics (LTP's), where violent alcoholics are confined forcibly by court decision, differ little from those in prisons. Virtually no treatment is available. According to statistics from March, 12 LTP's with some 3,000 inmates continued to operate. Although some centers were transferred to the Health Ministry during the year, the Government had not lived up to its earlier commitment to transfer all of the LTP's to the ministry. Police have the right to take forcibly any person appearing drunk in public to special sobering centers. Human rights groups reported cases of police mistreatment, robbing, or beating of detainees at such centers (see Section 1.a.). In August 1999, the Government issued a decree directing the closure of such centers by the end of this year; however, some centers remained open at year's end.

The Government continued to allow prison visits from human rights monitors; however, these monitors reported that it can be difficult to obtain access to prisons. Cases were reported in which prisoners were not permitted correspondence and family visits were allowed only once per year. Prisoners may complain to the Ombudsman about the conditions of detention, but human rights groups reported that inmates were punished for initiating complaints.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain problems. The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The Constitution stipulates that only courts may issue arrest warrants, but under its transitional provisions, the Prosecutor's office retains the right to issue search and arrest warrants until 2001. The maximum period of detention after charges have been filed is 18 months, but the law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires immediate notification of family members concerning an arrest, but this action often is not taken in practice.

By law a trial must begin no later than 3 weeks after indictment, but this requirement rarely is met by the overburdened court system. Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases can take years to go to trial. Although the 1996 amendment to the Criminal Procedures Code provides for bail, it is used rarely. Restrictions on travel outside a given area sometimes are employed. Accused persons usually are held without bail in pretrial detention for several months. As of October, there were 228,000 prisoners, 48,000 of whom were persons held in pretrial detention. The Constitution provides compensation for unlawful or arbitrary arrest, detention, or conviction, but there are no known cases in which this provision was invoked. Reports indicated that this inaction is a result of lack of faith in the judiciary rather than the absence of unlawful or arbitrary detentions.

The law stipulates that a defense attorney be provided without charge to the indigent from the moment of detention or the filing of charges, whichever comes first. There are insufficient numbers of defense attorneys to protect suspects from unlawful, lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system exists in principle, public attorneys often

refuse to defend indigents for the low government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups reported that the client-attorney privilege occasionally was denied by prison or investigative officials. To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures. However, many persons remained unaware of these safeguards.

The Government occasionally charges persons who are openly critical of the Government (usually opposition politicians or editors and journalists from the opposition press) with criminal libel or tax evasion charges (see Section 2.a.). In August Oleksandr Tymoshenko, the husband of then-Deputy Prime Minister Yulia Tymoshenko, and a business associate were arrested on charges of embezzlement of state funds. Tymoshenko's efforts to reform the energy sector had drawn strong opposition, most notably from powerful businesspersons closely tied to the Government. Although the investigation of the men reportedly was underway for some time, some observers believed that timing of the arrests was intended to pressure Tymoshenko.

In May 1999, police officers in Mukachevo detained some 70 persons, primarily Roma, in a local market for illegal trading. The detainees were held without charges for 2 days and forced to perform manual labor for police officers. In July 1999, three Romani women were detained for failing to produce identification. They were ordered to clean the police station but they were released when a leader of a Romani NGO intervened on their behalf. There were no reports of incidents targeting Roma during the year.

Police also arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Official corruption is widespread. The Government apparently enforced anticorruption statutes selectively for political ends. While anticorruption statutes were applied increasingly against lower-level officials, such enforcement reportedly is lacking against high-level officials. In 1999 Vasylkiv Mayor Valeriy Popovych was detained briefly on corruption charges after complaining of government harassment due to his support for opposition candidate Moroz during the October 1999 presidential election. Charges against Popovych were dropped in January; however, in February he resigned his post under pressure from regional authorities. In 1999 a number of persons arraigned on criminal and corruption charges claimed that they were victimized because of their support for the former Prime Minister, who is currently on trial abroad for money laundering, and government opponent Pavlo Lazarenko. Former government officials Petro Shkudun, Mykola Syvulsky, and Vasyl Koval claimed that their cases were motivated politically due to their links to Lazarenko. In December 1999, Koval was sentenced to serve five years in prison on corruption charges. In June Syvulsky again was arrested on corruption charges while serving as an aide to former Deputy Prime Minister Tymoshenko, who had been associated with Lazarenko.

The Government does not employ forced exile.

e. Denial of a Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary is subject to considerable political interference from the executive branch and also suffers from corruption and inefficiency. The courts are funded through the Ministry of Justice, which allows the Government to influence the judicial process. The presidential administration also reportedly continues the old Soviet tradition of weighing in by telephoning justices directly.

The establishment of an independent judicial system provided for in the Constitution still awaits the passage of implementing legislation. As a result, the judiciary continues to operate according to Soviet principles. Most judges and prosecutors were appointed during the Soviet era, and court officials are attuned closely to the Government's interests. The High Judicial Council, which approves the appointment of and disciplines judges, consists primarily of senior executive branch representatives, including the Prosecutor General and the Chairman of the State Security Service. Human rights lawyers claimed that the judiciary was not free from government influence, particularly at the regional and local levels. For example, court chairmen are appointed directly by the executive and wield considerable influence over the outcome of a case through case assignments, the control of staff and promotions, and the control of social benefits available to judges. Court chairmen reportedly deliberately overburden independent-minded judges with too many cases and then instigate disciplinary actions against them for not completing their case-

work. There are credible reports that court chairmen regularly followed executive instructions. The Ministry of Justice and court chairmen also controlled judges' housing. Judges whose rulings were not in accord with the executive branch were provided with apartments far from city centers or are ignored altogether when new apartments became available.

The judiciary lacks sufficient staff and funds, which engenders inefficiency and corruption. The court system receives all its funding from the Ministry of Justice. Budgetary funds allocated by the Government in 1999 covered only half of the judiciary's requirements for the year; funding levels for the year were said to be similarly inadequate. In 1999 the Supreme Court challenged in the Constitutional Court the legality of the Government's practice of arbitrarily limiting the judiciary's budget. In its petition, the Supreme Court complained that the district courts received only 51 percent of required funding, military courts 33 percent, and oblast courts 62 percent. In 1999 the Constitutional Court ruled that the Government's practice of limiting the judiciary's budget was unconstitutional. This attempt by the Government to cut the judiciary's budget, and similar attempts in recent years, demonstrated clearly the dependence of the court system on the executive and the Government's willingness to make use of that dependence.

The authority and independence of the judicial system also are undermined by the poor record of compliance with court decisions in civil cases. Provisions calling for criminal punishment for noncompliance with court decisions rarely are used. Compliance is particularly poor if the decision clashes with government interests. The Prosecutor General, the head of the Supreme Court, the chairmen of regional courts, and the chairmen of the Kiev municipal court (or the deputies of these officials) can suspend court decisions, which leads to interference, manipulation, and corruption.

Many local observers regard the Constitutional Court as the country's most independent judicial body. Human rights groups state that overall the Constitutional Court has maintained a balance of fairness. However, in March the Court ruled that the President's proposed referendum on expanding presidential authority was constitutional, although it threw out two of the six original questions. Observers believed that this decision indicated a pro-presidential bias.

There has been little progress in implementing the provisions of the 1996 Constitution that provide for a thorough restructuring of the court system, to be accomplished by June 2001, including the introduction of appellate courts. In an effort to meet the June 2001 deadline, the President established a council on judicial reform in August; however, the council has had little impact and at year's end, Parliament had not passed a new law on the judiciary. Pending the passage of the required enabling legislation, the court system still is organized along Soviet lines, with the exception of the Constitutional Court.

The court system consists of the Constitutional Court, general jurisdiction courts, and arbitration and commercial courts. General jurisdiction courts and arbitration courts are organized on three levels: district courts; regional courts; and the Supreme Court and Supreme Arbitration Court. General jurisdiction courts are divided into criminal and civil sections. Military courts only hear cases involving military personnel.

The Constitutional Court consists of 18 members, appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution, and it determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Ombudspul r

Organized crime widely is alleged to influence court decisions. The Justice Ministry reported that in 1997 135 judges were disciplined, 22 dismissed, and 5 prosecuted for bribery. No higher court judge has been disciplined to date. Criminal elements routinely use intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives. However, the unit has not yet been formed, and trial participants are vulnerable to pressure. There is a witness protection law, but it is in abeyance because of lack of funding. Under a law adopted in March, the names and addresses of victims and witnesses can be kept confidential, if they request protection due to fear for their lives.

Prosecutors, like the courts, also are organized into offices at the rayon, oblast, and republic levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the Parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General.

Although by law prosecutors and defense attorneys have equal status, in practice prosecutors are much more influential. The procuracy, in its pretrial investigative function, acts in effect as a grand jury. A prosecutor may initiate investigation through his own office or conduct investigations initiated by the Ministry of Internal Affairs or the SBU. Prosecutors also have the right to issue warrants without court approval and to suspend court decisions, thus effectively placing the procuracy above the courts in the legal hierarchy. In several cases, the procuracy has used its judicial review powers to annul court decisions unfavorable to the presidential administration's economic or political interests and ordered the case reexamined by a different court. The Office of the Prosecutor General practices selective prosecution and initiates investigations against the political or economic opponents of the President and his allies. The Prosecutor General ignores parliamentary and court requests for investigations into high-ranking persons if the accused is a presidential ally.

The Constitution considerably curtails the prosecutor's authority, limiting it to prosecution, representing the public interest in court, oversight of investigations, and implementation of court decisions. However, in the absence of new criminal and criminal procedure codes to implement constitutional restrictions, the transitional provisions of the Constitution permit the prosecutor's office to conduct investigations and oversee general observance of the law. In November 1997, the Constitutional Court interpreted the Procuracy Law, ruling that citizens can dispute prosecutors' decisions in court.

The Constitution includes procedural provisions to ensure a fair trial, including the right of a suspect or witness to refuse to testify against himself or his relatives. However, pending passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remains in place. While the defendant is presumed innocent, conviction rates have changed little since the Soviet era. Nearly all completed cases result in convictions.

According to official statistics, in the first half of 1999, there were 114,600 convictions, between 36 and 39 percent of which resulted in prison sentences. A total of 494 defendants were acquitted, which is an increase of 11 percent from the corresponding period in 1998. In the first half of the year, there were 113,902 convictions and 375 acquittals. However, as judges frequently send cases unlikely to end in conviction back to the prosecutor for "additional investigation" (which usually leads to the dropping of the case), these statistics are somewhat misleading. Additionally evidence indicates that suspects often bribe court officials to drop charges before cases go to trial, to lessen sentences, or to commute them.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Authorities infringed on citizens' privacy rights. Although the Constitution requires that courts issue search warrants, this provision has not yet been implemented, and prosecutors continue to issue search warrants. The SBU may conduct intrusive surveillance and searches without a warrant, with the consent of the Prosecutor General, who nominally oversees this function of the SBU. However, the extent to which the Prosecutor General utilizes his authority to monitor SBU activities and to curb excesses by security officials is unknown. The Constitution provides citizens with the right to examine any dossier on them in possession of the SBU and to sue for physical and emotional damages incurred by an investigation. However, this right does not exist in practice, because the necessary implementing legislation has not been passed.

Some remnants of Soviet control mechanisms persist. There are no probable cause statutes, and police officials and militia personnel have the right to stop persons and vehicles arbitrarily to initiate extensive document checks and vehicle inspections. In February the Ministry of Interior ordered traffic police to end the practice of stop-

ping vehicles without reason; however, the order had little effect in practice. Police may detain a person arbitrarily for up to 3 hours to verify identity. There have been reports that police sometimes abused this right.

Journalists whose news reports are critical of the Government or who covered opposition politicians reported that frequently they were followed by SBU agents and that their telephones were wiretapped (see Section 2.a.).

Under the current "propiska" registration system, all internal passports contain a stamp indicating residence and matrimonial status (see Section 2.d.). The Government has indicated its intent to eliminate the propiska system, but little progress has been made to date.

The Law on Public Organizations prohibits members of the police, SBU, and armed forces from joining political parties. Prior to the 1998 parliamentary elections, mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 2.b.).

There were no reported cases of the political abuse of psychiatry; however, the press and human rights groups have reported several cases of abuse of psychiatry for economic reasons. Persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The disputes often entail the corruption of psychiatric experts and court officials. In February Parliament adopted a new Law on Psychiatry which bans abuse of psychiatry for political and nonmedical reasons and provides safeguards against such abuse. However, human rights monitors report that the law was not implemented by year's end, and the old Soviet system of classifying mental illness is still in use. Persons diagnosed with mental illness may be confined and treated forcibly, declared not responsible for their actions, and stripped of their civil rights without being present at the hearings or notified of the ruling. In the meantime, the 1988 old Soviet psychiatric regulation remains in force. There are some 1.2 million registered psychiatric patients in the country. Within 3 days after forcible confinement to a hospital, a patient must be examined by three doctors. Patients (including convicted prisoners) subsequently must be examined by the senior regional psychiatric commission within half a year. According to the Ukrainian Psychiatric Association, the Health Care Ministry has not always cooperated with human rights groups attempting to monitor abuse of psychiatry.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and a 1991 law provide for freedom of speech and of the press; however, in practice the Government interfered with the news media and restricted these rights through the widespread use of tax inspections, libel cases, subsidization of friendly media, and intimidation of journalists. In addition journalists reported feeling more subtle forms of pressure, in particular to provide positive coverage of the President, which resulted in more self-censorship. The Government owns or controls most of the national radio and television channels, which is the primary source of information for most citizens. However, there is a wide variety of newspapers and periodicals available, which espouse different political points of view, and individuals can and frequently do criticize the Government without reprisal. Though limited in readership, internet publications, in particular *Ukrainska Pravda*, played a key role in covering the disappearance of Heorhiy Gongadze and the scandal surrounding allegations of Presidential involvement in the case (see Section 1.b.). Government attempts to control the press were reported by the media.

The print media, both independent and government-owned, demonstrated a tendency toward self-censorship on matters that the Government and in particular the President deemed sensitive. Private newspapers have been established and are free to function on a purely commercial basis, although very few are profitable. However, they are subject to various pressures, such as control of access to affordable state-subsidized newsprint; dependence on political patrons who may facilitate financial support from the State Press Support Fund; close scrutiny from government officials, especially at the local level; and politically motivated visits by tax inspectors. In 1997 the President issued a decree on support of the press that requires the Cabinet to draw up a list of publications needing government support, including those published by central and local governments, public organizations, associations, unions, educational institutions, and newspaper employees. The journalistic community believed that this decree was intended to control the press by supporting loyal members. In December the President issued a decree defending freedom of the press; however, observers report it has had little impact. The dependence of much of the press on government patronage has inhibited criticism, particularly at the local level. The State Committee for Information Policy has warned some periodicals

against fomenting ethnic tensions and conducting antistate propaganda and has applied to the Prosecutor's Office to open investigations into those newspapers. In December a court in Kharkiv fined the local chapter of PROSVITA, an organization that promotes Ukrainian language and culture, and ordered it to cease publication of its newspaper on the grounds that it had published an anti-Semitic article. The case presented the first time a court has punished a publication for anti-Semitic writings.

The Committee on Protection of State Secrets enjoys broadly defined powers over all media. In 1997 the Cabinet adopted a regulation that further defined state secrets to include information on executions, the state of prisons, pretrial detention blocks, and centers for the forcible treatment of alcoholics. (The "state of prisons" refers to the physical state of the prison walls and fences, not prison conditions.) The press is able to report about harsh prison conditions without any inhibition. Journalists report that, in general, the committee has not interfered with their activities (see Section 1.c.).

The Government pressured media outlets to support an April referendum on amending the Constitution to increase presidential powers. In March the Tax Administration temporarily froze the accounts of the newspaper *Silski Visti*, (which opposed the referendum and supported Socialist candidate Oleksandr Moroz during the presidential election), and confiscated its paper stock. In September the Tax Administration fined *Silski Visti* more than \$178,000 (1 million hryvnia) for tax evasion. In October *Silski Visti* temporarily suspended publication due to heavy financial pressures. The paper resumed publication, but continued to experience financial problems.

In April the newly founded newspaper *Itogi* was subjected to eviction, disconnection of its phone lines, and tax inspections of its main investor after publishing an article critical of a senior government official. The newspaper went out of business after publishing only five issues.

The Government, both central and local, regularly targeted opposition newspapers with unannounced tax inspections or fire and building code inspections. Prior to the 1999 presidential election, the Government forced at least one opposition newspaper, *Polytyka*, to close. Government officials initiated more than 20 criminal and civil libel cases against *Polytyka's* editor, Oleg Lyashko, asking more than \$40 million (220 million hryvnia) in damages. Lyashko was acquitted in one of two criminal libel cases that charged him with slandering the President and his staff, but that acquittal was overturned in December 1999. At a December hearing, Lyashko's trial was tentatively set for January 2001. In January the State Committee for Information Policy refused to register Lyashko's new publication *Svoboda*. In February the Committee reversed its decision, and *Svoboda* began publication. However, government officials subsequently pressured Lyashko to change the tone of coverage in *Svoboda*, and the newspaper has experienced financial difficulties that prevented its regular basis publication. In March Lyashko was assaulted in the entryway to his home after publishing an article critical of an Odesa businessman. Although he initially blamed the Government, Lyashko later accused the businessman of orchestrating the attack. There has been no further investigation into the case, and no one has been charged with the assault.

The newspaper *Den*, which supported presidential candidate and former Prime Minister Yevhen Marchuk during the 1999 presidential campaign, was subjected to 25 tax inspections between January and July 1999. After Marchuk joined the Government as Secretary of the National Security and Defense Council during the year, *Den* became less critical of the Government and the repeated tax inspections ceased.

In 1999 the Parliament adopted a resolution on the media that called for investigations into all complaints of harassment of nonstate media outlets by the Tax Inspectorate, the Prosecutor General's Office, or the presidential administration. Journalists reported that the resolution had little impact.

Government officials also frequently use criminal libel cases or civil suits based on alleged damage to a "person's honor and integrity" to punish critics. Article 7 of the Civil Code allows anyone, including public officials, to sue for damages if circulated information is untrue or insults a person's honor or dignity. Article 125 of the Criminal Code prescribes imprisonment of up to 3 years for libel. There is no distinction between private individuals and public officials (except for the President), nor is there a limit to the amount of damages that may be awarded. Consequently, any journalist who publishes an article critical of a public official risks being sued for damages.

The Prosecutor General can file criminal libel charges. According to Ministry of Justice statistics, 123 persons were convicted in 1998 for criminal libel. Of these seven cases resulted in prison sentences. According to the Union of Journalists of Ukraine, journalists lose two of every three cases against them in the courts. In

1999 approximately 2,250 libel cases were filed. Exact figures for this year are not available; however, media analysts expect a similar number of cases for the year. Journalists complain that because the law does not limit damages, it can be used to drive opposition newspapers out of business.

On occasion fines were so large that accounts were frozen and equipment confiscated by the Tax Inspectorate to enforce payment. It is clear that a large number of libel and personal dignity suits are motivated politically. Moreover, even when the actions of the Tax Inspectorate are overturned by subsequent court decisions, the damage to the newspapers' finances can be irreparable. Their accounts remain frozen until all appeals are completed. Independent newspapers face further financial pressure as they try to compete with pro-presidential newspapers, which are sold at a price significantly below cost. Newspapers aligned with the presidential administration reportedly often are financed by wealthy presidential allies. The threat of multiple lawsuits for large amounts of money also was used to pressure owners of opposition newspapers to sell their shares to their political opponents.

In March the Lviv newspaper *Express*, which had been critical of the local government, was fined \$26,785 (150,000 hryvnia) for libel. Journalists and students protested the decision, and in April the regional court overturned the lower court's decision. Journalists sometimes were subjected to physical attacks related to their professional activities. Some journalists reported threats of arrest or assaults when investigating crime and official corruption (see Section 1.c.). The intermeshing of organized crime and many public officials makes it difficult to assess whether these attacks and threats were motivated politically.

Despite government pressure and media self-censorship, the variety of newspapers and periodicals on the market, each espousing the view of its respective sponsor, provides a variety of opinion. Foreign newspapers and periodicals circulate freely.

The broadcast media, the primary source of news and information for most citizens, are either state-owned or, in the case of private stations, subject to pressure from the Government, which took steps during the year to strengthen its control over this sector. In 1998 the Government transferred over state-owned broadcasting and transmission facilities from the *Derzhhteleradio* (State Committee for Television and Radio) directly to the Information Ministry (later reorganized as the State Committee for Information Policy). The President and the Parliament each appoint half of the members of the National Council for Television and Radio Broadcasting, which issues licenses and allocates broadcasting time. President Kuchma did not name his half of the eight-member board until June, after the Parliament replaced its original four members in May. In the absence of a functioning council, the Government had virtually unchallenged control over media licensing prior to the 1999 presidential election and in the lead-up to the April referendum.

Other state agencies took advantage of the lack of a working council to harass opposition stations. For example, the frequency of arbitrary tax inspections increased considerably without a working council. The State Electro-Communications Inspectorate increased the fees for broadcast frequencies tenfold in 1999 without the prior approval of the council. Fee increases disproportionately affected independent stations, since state channels were permitted to ignore payment of their frequency fees. The law entitles private and foreign companies to obtain a license to establish and operate their own transmission facilities.

Prior to the 1999 presidential election, the Government increased pressure on the broadcast media, using tax inspections and other measures, and forced at least five local television stations (four in the Crimea and one in Dnipropetrovsk) to close. Numerous sources charged that the administration continued to use government agencies, particularly the Tax Inspectorate, to pressure the opposition media and businesses supporting its political opponents. Prior to the 1999 presidential election, the independent television station STB, one of the more balanced and independent media outlets, faced increasing harassment by government entities. It was threatened with closure and the arrest of its owners if it did not cede financial and editorial control to presidential supporters. Its staff suffered physical assaults, threatening phone calls, robbery, and lawsuits. In August 1999, the State Tax Administration froze STB's bank accounts for failure to pay sufficient taxes. By October 1999, the station was sold and had changed its news programming to take a more pro-Kuchma approach. During the 1999 presidential election campaign, several regional television outlets were taken off the air by government authorities, allegedly to prevent coverage of opposition presidential candidates. The presidential campaign saw a marked imbalance in the coverage of candidates on national television and radio channels, with opposition candidates receiving very limited and often negative coverage at the national level. Opposition candidates had more success in obtaining access to smaller local and regional television channels.

In the period leading up to the April referendum on constitutional amendments that would expand presidential powers, television coverage was overwhelmingly pro-presidential and pro-referendum.

There is no known government censorship of books, film, or theater.

While major universities are state owned, they operate for the most part under full autonomy. However, academic freedom is an underdeveloped and poorly understood concept. Nepotism and bribery reportedly are common during entrance exams and also influence the granting of degrees. Administrators of universities and academic and research institute directors possess the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. This atmosphere tends to limit the spirit of free inquiry. Restrictions by the Communications Ministry on the mailing of scientific documents also have caused concern.

The State Secrets Committee maintains offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research. An April 1998 presidential edict allows only government-designated contractors to provide Internet access at state institutions that have such censorship offices. Human rights groups feared that this edit may limit the freedom of information for universities and scientific research institutes. A July presidential decree identified the development of the Internet as a priority of national information policy and instructed the Government to design a state program to develop the Internet network. A 1999 presidential decree sought to require that all communication companies and Internet providers be licensed and their equipment be fitted for wiretapping (implicitly by the security services). However, the decree was blocked by Parliament in 1999.

All private and religiously affiliated universities operated without any reported state interference or harassment.

b. Freedom of Peaceful Assembly and Association.—The Constitution and law provide for freedom of assembly, and the Government generally respects this right in practice; however, there were some instances in which this right was restricted. The 1988 law on public assembly circumscribes freedom of assembly by stipulating that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration. The Criminal Code prescribes up to 6 months in prison, 1 year of corrective labor, or a fine for repeatedly staging unauthorized demonstrations. The 1996 Constitution requires that demonstrators merely inform the authorities of a planned demonstration in advance; however, authorities insist that all demonstrations meet the restrictive requirements of the 1988 law. Under the 1988 law, demonstrators are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice unlicensed demonstrations are common, and most but not all occur without police interference, fines, or detention. There were no reports of cases of interference during the year.

Communist groups complain that the authorities failed to punish Ukrainian nationalist groups who harassed them during their demonstrations. Ukrainian nationalist groups in turn complained that the authorities do not protect them from harassment by Communist groups. On December 22, a local court ordered antipresidential protestors occupying a large square in central Kiev to vacate the area because of impending holiday celebrations. Demonstrations by the group outside of Parliament and other Government buildings also were banned. On the same day the court decision was reached, the demonstrators announced that they would dismantle all but one of the protest tents erected on the square, and would resume demonstrations after the holidays if warranted. The demonstrations ended peacefully December 23.

The Constitution, law, and government regulations restrict freedom of association to varying degrees. These restrictions generally apply to organizations that are considered dangerous, such as those which advocate violence or racial and religious hatred, or which threaten the public order or health.

A government requirement that a political party have representatives in at least half of the country's regions in order to register officially has limited the ability of Russian, Crimean, Tatar, and Romanian groups to organize (see Section 3).

The Ministry of Justice, with the Prosecutor General's consent, has the authority to warn, fine, or suspend operations of political parties for illegal operations. Suspension can be for up to 3 months and can be extended for 6 months upon the Ministry's request.

In 1998 the Constitutional Court invalidated the 1993 Crimean law on citizens' associations, thus outlawing regional Crimean parties. A 1992 law on public organizations prohibits the Government from financing or materially supporting political parties. According to this law, political parties may not receive funds from abroad

or maintain accounts in foreign banks. The law prohibits police authorities, members of the SBU, and armed forces personnel from joining political parties.

Prior to the 1998 parliamentary elections, the mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 1.f.).

Freedom of association also is restricted through a strict registration requirement that lends itself to political manipulation and corruption; however, in practice such regulations seldom are employed to restrict this freedom. Groups must register with the Government to pursue almost any purpose. The Ministries of Internal Affairs, Justice, Economy, and Foreign Economic Relations, as well as the State Committees on Religion and Broadcasting and other government bodies have registration functions and used this power to limit freedom of association (see Sections 1.d. and 2.c.).

For example, after almost a year of attempting to register as a national organization, a Luhansk-based group for the protection of gay rights, the Nash Mir Gay and Lesbian Center, succeeded in registering in November 1999. According to group representatives, local officials indicated that the group was not registered because it was a gay rights group. The group reported this year that it is functioning without problems.

Groups must be registered with the Government to engage in almost any activity, whether commercial, political, religious, or philanthropic. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entered into contracts.

The registration law gives the Government the right to inspect the activities of all registered groups. This law requires that a party specify all its activities in its charter, but the party is not required to notify authorities of all its meetings. A change in the group's charter necessitates reregistration.

A registered group may not duplicate any function or service that the Government is expected to provide. For example, human rights lawyers who wished to represent prisoners were prohibited from establishing an association because the Government is required by the Constitution to provide lawyers for the accused. However, this requirement is not always enforced. In the

mid-1990's, AI was refused registration under the pretext that human rights protection is the function of the State. It continued to apply and eventually was registered.

c. Freedom of Religion.—The Constitution and the 1991 Law on Freedom of Conscience and Religion provide for separation of church and state and the right to practice the religion of one's choice and the Government generally respects these rights in practice, with the exception of some nonnative religions, which experienced difficulties registering, buying, or leasing property. The Government generally permits religious organizations to establish places of worship and to train clergy. The Government has continued to expedite allotment of land plots for construction of new houses of worship and to return religious buildings and sites to their former owners.

Although in past years the Government's protection of religious freedom had deteriorated for nonnative religious organizations (defined as all organizations other than Orthodox, Greek Catholic, and Jewish), nonnative religions reported less difficulty in obtaining visas and registering. The Government did not discriminate against individual believers of nonnative religions; however, their organizations faced ongoing difficulty in carrying out their activities during the year. Through burdensome licensing requirements and informal means, local authorities restricted nonnative religions as well as Christian denominations other than Greek Catholic and Orthodox. The Government took steps to return properties expropriated during the Soviet era to religious groups.

A 1993 amendment to the 1991 Law on the Freedom of Conscience and Religion restricts the activities of nonnative, foreign-based, religious organizations. The amendment narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other foreign citizen representatives of foreign-based religious organizations. They may preach, minister religious ordinances, or practice other canonical activities "only in those religious organizations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization." Although the Church of Jesus Christ of Latter-Day Saints had complained in 1998 that this restriction prevented the transfer of its missionaries between cities, church leaders subsequently have not reported any difficulties in transferring missionaries between cities.

All religious organizations are required by the 1991 Religion Law to register with the State Committee on Religious Affairs. If a group chooses to register as a national organization, it must register with the central office of the State Committee

for Religious Affairs, and each of its local groups must register with the local office of the State Committee in the region where it is located. Those groups that choose to register as local organizations must register only with the regional office of the State Committee. This status is necessary to own property or carry out many economic activities, such as publishing religious materials or opening bank accounts. This process is supposed to take not more than 1 month (or 3 months in cases in which either the central or regional committee decides that an expert opinion is necessary to determine the legitimacy of a group applying for registration). However, in practice this process generally exceeds 1 month. The regional offices also supervise the compliance of religious organizations with the provisions of the law. Some nonnative religious organizations credibly reported that, especially at the local or regional levels, officials of the state committee refused to register their organizations for protracted periods, thus effectively delaying their activities and limiting freedom of association (see Section 2.b.). However, there were fewer reports than in prior years of nonnative religious groups experiencing such registration problems.

Native religious organizations, especially the Orthodox Church in the central, southern, and eastern regions of the country and the Greek Catholic Church in the west, exerted significant political influence at the local and regional levels and pressured local officials not to register nonnative religious organizations or to allow them to rent or purchase property. Each of the two dominant denominations, within their respective spheres of influence, also reportedly pressured local officials to restrict the activities of the other.

The ongoing dispute among competing Orthodox Christian administrative bodies claiming to be "the Ukrainian Orthodox Church" remained deadlocked. The Government has been unable to stop disagreements between the Orthodox believers and Greek Catholics in the western part of the country where the two communities were contentious and often engage in bitter disputes over church buildings and property in over 600 localities. The Kiev Patriarchate of the Orthodox Church complained of harassment by local authorities in the predominantly Russian-speaking eastern region of the country, while the Moscow Patriarchate of the Orthodox Church complained that local governments ignored the appropriation of its churches in the Ukrainian-speaking western region. In 1999 Patriarch Filaret of the Ukrainian Orthodox Church of Kiev Patriarchate and his followers were assaulted by supporters of the Moscow Patriarchate in Mariupol (see Section 5).

According to the State Committee for Religious Affairs, the transfer of most places of worship to their original owners according to a 1992 decree on restitution was nearing completion. In 1996 and 1997, 105 buildings were returned; in 1998, 92 were returned; and in 1999 103 were returned. About 40 buildings were returned during the first half of the year. There still were about 340 former houses of worship that were used for nonreligious purposes, but 275 of them were not claimed by religious groups. In the fourth quarter of 1999, local authorities in the oblasts of Dnipropetrovsk, Donetsk, Zakarpatia, Lviv, Mykolayiv, Odesa, Poltava, Sumy, Ternopil, and Chernivtsi, as well as in Sevastopol, returned 42 former houses of worship to religious groups. In August the local Government returned a former Mosque to the Muslim community in Crimea.

Numerous Jewish congregations have negotiated successfully with local authorities for worship space. In 1996 a Kiev arbitration court decided in favor of transferring the title of the former Kiev Central Synagogue, which in Soviet times was used as a puppet theater, to a Chabad Hasidic congregation. By December 1997, the puppet theater had vacated the building, and in the spring of 1998, the building reopened again as a synagogue. The synagogue was rededicated this year after extensive renovation. The decision set an important precedent for the judiciary's role in religious property restitution. According to Jewish community representatives, progress on restitution is generally satisfactory, although more could be done. In the first quarter of the year, two synagogues were returned to the Jewish community.

The pace of restitution of Christian churches has slowed in recent years, since the buildings that remain in state possession tend to be prime properties currently being used as museums, concert halls, or city halls. All religions have enjoyed equal opportunity to regain control over former community property. Problems in obtaining restitution resulted from inadequate legislation, bureaucratic inertia, and the difficulty of locating alternative quarters for current occupants. In February 1999, a presidential order instructed all local governments to complete the handover of former religious property whenever possible by the end of 1999 and banned privatization of religious communities' property. However, restitution is not complete. The committee attributed delays in returning other properties to lack of funds and the difficulties involved in finding alternative space for current users.

In July a dispute arose over efforts by a Jewish organization to build a memorial park at an ancient Jewish cemetery and holocaust massacre site in Sambor, a town

in Lviv Oblast. City authorities deferred the project after local nationalist groups demanded that the site also commemorate non-Jewish victims of the Nazis buried on the site. Efforts to reach a compromise stalled when the Nationalists demanded that no Jewish symbols appear at the site, that no Hebrew be used on inscriptions, and that Christian crosses be displayed. Nationalist groups later installed makeshift crosses at the site. At year's end, work on the memorial had stopped, and the crosses remained.

A number of religious properties were returned to Christian churches during the year. In the first quarter of the year, the Ukrainian Orthodox Church received 17 buildings. In May the Kiev Patriarchate received the newly rebuilt, historic St. Michael's Cathedral in central Kiev for its exclusive use. The Cathedral, which had been destroyed by Stalin in 1936, was rebuilt with significant local government funding. In September the Moscow Patriarchate received for its use the newly rebuilt Uspensky Cathedral of the Lavra Monastery, which also was restored using government funds.

In June four foreign public school teachers with religious affiliations were deported from Sevastopol after being accused of illegal religious activity incompatible with their work visa status. Although the central Government in Kiev offered to assist them with an appeal of this decision, the teachers decided voluntarily to depart the country.

During the year, the Government made significant efforts to ensure that pilgrims of the Bratslav Hasidic sect were able to visit the tomb of their founding rabbi in the city of Uman on the occasion of the Jewish New Year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, there are some limits. In particular the Government has not yet fulfilled its pledge to abolish mandatory registration—the propiska system—and replace it with an informational residence register (see Section 1.f.). Regulations impose a nationwide requirement to register at the workplace and place of residence in order to be eligible for social benefits, thereby complicating freedom of movement by limiting access to certain social benefits to the place where one is registered. For example, persons who move to other regions for work in the private sector may be denied formal access to free medical care and other services provided by the Government. Residence without registration carries a fine under the administrative code, but this provision rarely is enforced. Human rights groups reported cases of persons being stripped of their residence registration, evicted from their homes, and made homeless through criminal fraud or court error. Police also arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Citizens who wished to travel abroad were able to do so freely. Exit visas are required for citizens who intend to take up permanent residence in another country. There were no known cases of exit visas being denied to citizens during the year. The Government may deny passports to individuals in possession of state secrets, but denials may be appealed. A lapse in an Israeli-Ukrainian student exchange agreement in 1999 led to concerns about the ability of several hundred students to travel overseas for study in Israel. While negotiations continued between the Ukrainian and Israeli Governments over the renewal of the lapsed exchange agreement, the Ukrainian Government took steps to ensure that the students in question could travel to Israel. The exchange agreement was renewed in April.

Citizenship law provides the right to citizenship for all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 13, 1991. In order to be eligible, persons must not be citizens of other countries and must submit their application by year's end. An amendment to the law in April extended the application deadline to 2005 for Ukrainians returning from the far north and east in Russia and for former military officers. Dual citizenship is not recognized. A 1997 amendment to the Citizenship Law also provides the right to citizenship for deported victims of political oppression, such as the Crimean Tatars. Refugees can acquire citizenship if they have lived legally in the country for 5 years and can communicate in the Ukrainian language. Since independence over 1.5 million Ukrainians have returned to the country, while over 1 million persons, mostly ethnic Russians, have left the country.

The Government has not supported a foreign-funded program to facilitate the travel to the country of some emigrants who qualify for resettlement as refugees. More than 260,000 Crimean Tatars have returned from exile to Crimea, mainly from Central Asia. According to government officials, as of September between 220,000 and 230,000 Tatars had acquired Ukrainian citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling and that an onerous process of acquiring citizenship has excluded many

of them from participating in elections and from the right to take part in the privatization of land and state assets. However, the 1997 amendment to the Citizenship Law waives some of the usual residence and language requirements for returning deportees and expedites the acquisition of citizenship. The amendment facilitates the acquisition of citizenship by Crimean Tatars who were deported victims of political oppression. It allows deported persons, including Crimean Tatars, to acquire citizenship without a mandatory 5-year term of residence in the country and without Ukrainian language proficiency. In 1999 the Rada further amended the Citizenship Law to allow deported persons or their descendants living in the country for 5 years to acquire citizenship automatically without having to renounce any foreign citizenship that they may possess. Previously Crimean Tatars had difficulty obtaining documents from Uzbekistan to confirm that they had relinquished their Uzbek citizenship.

The 1993 Law on Refugees governs the treatment of refugees and entitles refugees to all of the benefits accorded to citizens. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), and refugee status initially is given for a 3-month term and is subject to further extension. According to government statistics, 2,898 persons (more than half of whom are Afghans) were granted refugee status between January and October. A commitment was made to award refugee status to all Afghans who arrived in the country before 1995. Under the new Citizenship Law, legally registered refugees can apply for citizenship after 5 years of permanent residence. Under the Refugee Law, refugees are entitled to material assistance. The Cabinet decided to start allocating funds in the 1999 national budget for payment of refugee pensions and small allowances for indigent refugees, plus transportation fare to a refugee center. In cooperation with the UNHCR in 1997, the Government established a refugee receiving center for 200 persons in Vinnytsya. The Government planned to open four other centers elsewhere; however, no additional center had been opened by year's end.

Instances of police harassment of certain categories of refugees apparently diminished during the year.

According to the State Committee for Nationalities and Migration, the Government has a first asylum policy. This means that persons who travel directly from their home country to Ukraine as refugees are assured refugee status. However, there were some problematic cases in 1999.

There were no reports during the year that persons were forced to return to a country where they feared persecution. In 1999, four Uzbeks, including two exiled Uzbek oppositionists, reportedly were arrested without a warrant, denied counsel, and deported forcibly to Uzbekistan without a hearing, despite protests by human rights groups. The four claimed to have been tortured and forced to give false testimony; nonetheless, they were sentenced later that year by an Uzbek court to between 8 and 15 years in prison.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right and the ability to change the government peacefully. The Constitution provides universal suffrage for citizens at least 18 years of age and for periodic elections every 4 years for the Parliament and every 5 years for the President. A presidential election was held on October 31 and November 14, 1999. Parliamentary elections took place in 1994 and in 1998.

Power is divided between the executive, legislative, and judicial branches. Although nominally independent, the judicial branch in practice is influenced heavily by the executive (see Section 1.e.). The President appoints the Prime Minister, who appoints the remainder of the Cabinet. The Prime Minister, as well as certain other appointments, such as the Prosecutor General, is subject to parliamentary approval. The Constitution grants the President limited power to pass binding decrees and directives that have the power of law.

The voting process in connection with the April referendum on amendments to the Constitution that would increase presidential powers was conducted in a generally free and fair manner; however, there were some serious problems. While most observers agreed that there were few procedural irregularities on voting day, the period leading to the referendum was marked by unbalanced media coverage and inappropriate involvement of government officials in turning out the vote and influencing voters on behalf of President Kuchma. Voter turnout was reported to be higher than during the October 1999 presidential election, raising suspicions of manipulation on the part of the presidential administration. For example, an unusually high number of voters were allowed to vote before election day. Pollsters reported that exit poll results on turnout were notably lower than results reported by the

Government. However, it is believed that the outcome of the referendum generally reflected the will of the people.

In June by-elections were held to fill 10 vacant parliament seats. Opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of pro-presidential candidates. However, observers believed that it was unlikely that these problems significantly altered the outcome of the election.

As many as 10 elected mayors reported continued harassment by the Tax Administration and law enforcement bodies, allegedly at the direction of presidentially appointed regional governors. The mayors attributed this pressure to their lack of support for President Kuchma during the 1999 presidential election. In February Vasylykiv Mayor Valeriy Popovych resigned under pressure after being detained and released on corruption charges. In September Myrhorod mayor Vasyl Tretetsky was removed from office by the city council. The press reported that the regional governor threatened council members with the loss of family members' jobs if they did not oust Tretetsky. In September Romny mayor Viktor Strelchenko resigned, reportedly after being told that the city would not receive heating fuel from regional authorities if he remained in office. Cherkasy mayor Volodymyr Olynyk, who ran for president in 1999 but dropped out in favor of another opposition candidate, was under criminal investigation and complained of SBU monitoring of his activities.

International observers noted violations of election day procedures in the 1999 presidential elections, with more numerous and serious violations occurring in the second round of voting. However, the violations reportedly were not widespread nor systematic. The most serious problems were unbalanced media coverage and the coordinated and inappropriate involvement of government officials in both rounds of the election on behalf of President Kuchma. The OSCE also was concerned over pressure exerted on voters in prisons, hospitals, and educational institutions on behalf of President Kuchma. A representative of the Parliamentary Assembly of the Council of Europe declared that the elections were "far from fair and democratic." OSCE observers noted that unauthorized persons, including SBU officers, present in polling stations, especially during the runoff election and had reports of militia involvement in campaigning. After the first round of voting, three regional administrators were dismissed, allegedly for failing to produce sufficient votes for President Kuchma in their districts. After the second round of voting, President Kuchma dismissed two oblast governors and six rayon (regional) heads in those regions where Kuchma received fewer votes than Communist Party rival Symonenko. Very high voter turnouts, particularly in western districts, aroused suspicion of ballot stuffing on President Kuchma's behalf in the second round of voting. However, observers concluded that it was unlikely that these problems significantly altered the final outcome of the election, in view of President Kuchma's 18-point margin of victory.

In the 1999 preelection period, various forms of government pressure on the media served to limit the independence of the press (see Section 2.a.). The Parliamentary Assembly of the Council of Europe found that state media coverage of the presidential campaign was biased strongly in favor of President Kuchma. The Government allegedly used official agencies, especially the Tax Inspectorate, to disrupt or eliminate the businesses of political opponents prior to the elections. Presidential candidate Yevhen Marchuk reported that police ordered a meeting with voters evacuated in Luhansk in August 1999, citing an anonymous bomb threat (see Sections 1.c. and 2.b.). Political candidates also reported difficulty in renting meeting halls, closure of their local campaign offices by government officials, confiscation of campaign vehicles, and pressure on employees from directors of state-owned enterprises. Many opposition presidential candidates complained that the SBU overstepped its mandate and interfered in the campaign to the benefit of President Kuchma. These reports appear credible. There are confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity (see Sections 1.f. and 4). Presidential candidates complained about the presidential administration's dominance over the media and the illegal involvement of state officials in Kuchma's campaign. The Supreme Court declared in November 1999 that it did not have the right to question the decision of the Central Election Committee or to declare an election null and void but that it could only order recounts in specific polling stations.

Women are active in government and politics, but are underrepresented and they hold a disproportionately small percentage of offices. Women hold 37 of the 450 seats in the Rada. Only two women hold ministerial posts. The 18-member Constitutional Court has two female members.

Jews are well represented among the political elite and hold several parliamentary seats. Many Crimean Tatars are unable to participate fully in the political process, primarily due to citizenship problems (see Section 2.d.). The Government's requirement that a political party have representatives in at least half of the coun-

try's regions in order to register officially has limited the ability of Russian, Crimean Tatar, and Romanian minority groups to organize (see Section 2.b.).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. However, human rights groups reported more difficulties in investigating penal conditions, which are a significant human rights concern. There are confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity during the 1999 presidential election campaign (see Section 3).

A 1998 law created the Parliamentary Commissioner on Human Rights, which is a constitutionally mandated independent human rights ombudsman. Parliament elected the first Ombudsman in April 1998. The Ombudsman serves a 5-year term and, in principle, is invested by law with very broad powers. In November the Ombudsman delivered her first human rights report to Parliament. The report noted that despite legislative guarantees, the country lacks effective mechanisms for protection of human rights. The Ombudsman's office reported that it had received more than 100,000 letters since its inception; however, many of those letters were requests for information rather than complaints of human rights violations. The office's staff grew by 30 percent during the year to approximately 60 full- and part-time workers. However, the office was underfunded, and employees sometimes were unpaid.

The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any government installation; and the oversight of implementation of human rights treaties and agreements to which the country is a party. However, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman. The law required the Government to submit amendments to existing laws to provide the legal framework for the operation of the Ombudsman's office. The Ombudsman's office itself drafted some 70 amendments to this effect, but those amendments had not been enacted at year's end. All citizens and current residents can address their concerns to the Ombudsman. The Ombudsman also serves as the intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly. The Ombudsman made combating of trafficking in persons (see Section 6.f.) and improving prison conditions a priority during the year.

Citizens have the right to file appeals with the European Court of Human Rights in Strasbourg about alleged human rights violations. According to one human rights expert, some 13,000 appeals were made to the court in 1998 and some 200 cases were accepted by the court for review.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, sex, and other grounds; however, due in part to the absence of an effective judicial system, the Government does not enforce these provisions effectively. The Government has not prosecuted anti-Semitic acts, under the law forbidding the sowing of interethnic hatred.

Women.—Violence against women is reportedly pervasive. While statistics compiled by the U.N. Development Program show that the number of reported rapes and attempted rapes decreased in recent years, surveys indicated that the majority of rapes and other cases of physical abuse went unreported. Past surveys by women's groups indicated that between 10 and 15 percent of women had been raped, and over 25 percent physically abused, in their lifetimes.

The Criminal Code outlaws rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Spousal abuse also is illegal, but authorities often pressure women not to press charges against their husbands. Separate statistics on prosecutions for wife beating or on average sentences are not available. In 1997, the last year for which statistics are available, 1,510 criminal cases were opened for rape, 822 for sexual abuse, and 3 for sexual compulsion. Information on convictions was not available.

Violence against women does not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem. Hot lines, shelters, and other practical support for victims of abuse are practically nonexistent, although there are some shelters run by private organizations. In 1998 Kiev municipal authorities opened the country's first state-funded women's center. In 1998 the Government an-

nounced plans to establish a network of shelters throughout the country, but by year's end, it had not yet begun to implement these plans.

Ukraine is a significant source country for girls and women trafficked to Central and Western Europe and the Middle East for sexual exploitation (see Section 6.f.). A 1998 amendment to the Criminal Code imposes harsh penalties for—among other offenses—trafficking in human beings, including for sexual exploitation and pornography; however, the effectiveness of this step has not yet been established. The authorities rarely prosecute men for engaging women in the rapidly growing sector of sexually exploitative work.

Women's groups reported that there was widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a "materially dependent person," which applies to employees, legal safeguards against harassment are inadequate. In the only known case of prosecution for sexual harassment in the workplace, *Pravda Ukrayiny* editor Oleksandr Horobets was convicted in 1999 of sexual harassment of a subordinate and sentenced to 7 months in prison. However, the fact that Horobets was the editor of an opposition newspaper calls into question the motives of the procuracy in prosecuting the case.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally is observed. However, the economic crisis has harmed women disproportionately. Women are much more likely to be laid off than men. Women constitute approximately 56 percent of the unemployed population, and as much as 90 percent of newly unemployed persons. Industries that are dominated by female workers are also those with the lowest relative wages and the ones that are most likely to be affected by wage arrears problems.

The Constitution and the Law on Protection of Motherhood and Childhood prohibit the employment of women in jobs that are hazardous to their health, such as those that involved heavy lifting. However, despite implementation of a government program to combat dangerous labor, these laws remain poorly enforced. The Ministry of Labor estimated that 15 percent of working women are employed in hazardous jobs. Furthermore human rights groups maintained that management selectively observed the law only as necessary to lay off or fire female workers. Many women's rights advocates feared that the law may be used to bar women from the best paying blue-collar jobs. By law pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of three years. However, this benefit is a disincentive for employers to hire women for responsible or career track jobs.

Few women attain top managerial positions in state and private industry. A March business survey found that half of private sector employees are women. According to the survey, women run 30 percent of private small businesses and 13 percent each of large and medium businesses. According to government statistics, 69.2 percent of the country's 213,000 state administration jobs were held by women, including 45.2 percent of the managerial positions. However, of the highest "first" and "second" category offices, only 5.6 percent in central or local governments are filled by women. (These numbers do not include the "power ministries"—the Ministries of Defense, Internal Affairs, Foreign Affairs, and the SBU, which have substantially more male employees at all levels.)

Educational opportunities for women generally have been, and continue to be, equal to those enjoyed by men. However, the Government limited the number of women who can receive military officer training to only 20 percent of the total number of students accepted. The military limited the role of women to certain functions. This limited their chances for promotion and training opportunities and they were left with low-paying routine positions in the military.

Children.—The Government is committed publicly to the defense of children's rights, but the deep economic crisis severely limited its ability to ensure these rights. The low priority that both the public and the Government attached to children's rights is reflected in the absence of groups that aggressively promote children's rights. For example, the widely acknowledged problem of growing violence and crime in and outside schools, especially the notoriously violent vocational schools, largely is ignored by the public and the Government.

Education is free, universal, and compulsory until the age of 15. However, the public education system has deteriorated as a result of government financial disarray. Teachers often went unpaid for months. Increasing numbers of children from poor families dropped out of school, and illiteracy, which was previously very rare, has become a problem. Health care is provided equally to girls and boys, but economic problems have worsened the overall quality of the health care system.

There were higher numbers of homeless children, who usually fled poor orphanage or poor domestic conditions. According to government statistics, 100,000 children are registered as homeless; of those, 14 percent are under age 7. Although statistics

were unavailable, drug use and child prostitution are widespread and received substantial media attention during the year. Several charity groups were formed to assist these children, but they have not been able to reduce the problem. In January President Kuchma issued a decree aimed at reducing homelessness among children; however, the effect of that decree is unknown. In 1997 the All-Ukrainian Committee for Protection of Children released survey results that revealed that every fifth or sixth child of both sexes under age 18 suffered from sexual harassment (including every third girl), and that every 10th girl is raped.

Deteriorating conditions in the state orphanages led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of private, government-supervised orphanages. There are 75 such orphanages with some 800 children. To curb illegal adoption, an April 1998 amendment to the Criminal Code prescribed up to 15 years' imprisonment for trafficking in children and illegal adoption (see Section 6.f.). However, there had been no known successful cases of its application as of year's end.

People with Disabilities.—The law prohibits discrimination against the disabled, but the Government has done little to support programs targeted at increasing opportunities for the disabled. The law mandates access to buildings and other public facilities for the disabled, but it is enforced poorly.

Religious Minorities.—Anti-Semitism exists on an individual and societal basis. However, the central Government generally discouraged it. Some ultranationalist groups and newspapers continued to publish and distribute anti-Semitic tracts regularly. Anti-Semitic publications also are imported from Russia and distributed without the necessary state license. During the year, President Kuchma and Prime Minister Yushchenko repeatedly and publicly spoke about the need for the peaceful coexistence of ethnic and religious groups. Authorities opened criminal cases against publications for fomenting interethnic hatred. Moreover, the Procuracy warned certain publications against publishing anti-Semitic material. In 1999 the Shimon Dubnov Ukrainian Academy of Jewish History and Culture filed suit against the nationalist newspaper Vechirniy Kiev for publishing anti-Semitic criticism of the Academy's collection of scholarly articles, "Judeophobia Against Ukraine," which was published in 1998. The case still was pending at year's end.

Anti-Semitic incidents continue to occur but, according to local Jewish organizations, have declined in number over recent years and they were concentrated in western regions of the country.

In October large crosses were erected on prominent elevations near Sevastopol. In November the crosses were cut down. Although Orthodox religious leaders accused Tatars of dismantling the crosses, the Tatars denied involvement, and no one was held formally responsible for the act.

During the year, there were no arrests made in the 1997 firebombing of the Kharkiv Israeli cultural center, nor have there been any prosecutions for the desecration of Jewish cemeteries in 1997.

There were occasional statements by Ukrainian Orthodox Church officials (both Moscow and Kiev Patriarchates) denouncing the spread of nonnative religions and sharply criticizing their missionary activities. Evangelical Christian missionaries reported some instances of societal discrimination against members of their churches, such as salary cuts, layoffs, and public criticism for betraying "native religions."

Native religious organizations, especially the Orthodox Church and the Greek Catholic Church, pressured local and regional officials not to register nonnative religious organizations or to allow them to rent or purchase property. Both these denominations also reportedly pressured officials to restrict the activities of the other.

Tension also persists between the different branches of the Orthodox Church. In April 1999, a violent scuffle took place in the southeastern city of Mariupol between supporters of the Ukrainian Orthodox Church (Moscow Patriarchate) and the entourage of Patriarch Filaret of the Ukrainian Orthodox Church (Kiev Patriarchate). Filaret had come to Mariupol to consecrate a cross erected on the future site of a Kiev Patriarchate church. A scuffle broke out when opponents tried to pull down the cross. Filaret received minor injuries, and several of his followers were treated at a local hospital for concussions and minor injuries.

National/Racial/Ethnic Minorities.—The frequent harassment of racial minorities is an increasing problem. The police routinely detain dark-skinned persons for arbitrary document checks (see Section 1.c.). In addition there were increased reports of racially motivated violence against persons of African and Asian heritage. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.

Roma face considerable societal discrimination. Opinion polls have shown that among all ethnic groups, the level of intolerance is highest toward Roma. In the

Transcarpathian region in particular, Roma continue to be subject to violence and abuse by police (see Section 1.c.).

The Constitution provides for the “free development, use, and protection of the Russian language and other minority languages in Ukraine.” This compromise builds on a 1991 law on national minorities, which played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages in conducting personal business and by allowing minority groups to establish their own schools. Nonetheless, some pro-Russian organizations in the eastern part of the country complained about the increased use of Ukrainian in schools and in the media. They claimed that their children are disadvantaged when taking academic entrance examinations, since all applicants are required to take a Ukrainian language test. According to official statistics, there are 16,352 Ukrainian schools, 2,399 Russian schools, 98 Romanian schools, 67 Hungarian schools, 11 Moldovan schools, 9 Crimean-Tatar schools, and 3 Polish schools in the country.

In May a popular folk singer was killed at a cafe in Lviv, allegedly by Russian-speakers who objected to his singing Ukrainian songs. The murder sparked protests and prompted a national debate over the use of Ukrainian and Russian languages. In July the city council issued a decree banning the broadcast of “amoral songs” in public places, which some observers interpreted as a prohibition against Russian language music. However, the decree never was enforced and in August the local procuracy declared the decree unlawful. Ukrainian and Crimean Tatar minorities credibly complain of discrimination by the Russian majority in Crimea and demand that the Ukrainian and Tatar languages be given equal treatment to Russian. According to Tatar leaders, unemployment is as high as 50 percent in their community. In January 1999, the office of the Tatar Assembly Mejlis (the unofficial Tatar parliament) was firebombed in Simferopol. As of October, no one had been charged in the crime, though Tatars blamed Russian chauvinists. In May 1999, on the anniversary of Stalin’s deportation of the Tatars to central Asia, 35,000 Tatars demonstrated for official recognition of the Mejlis, Tatar representation in the Crimean parliament, and for official status for the Tatar language. In response President Kuchma created a presidential Tatar advisory committee that included all members of the Mejlis. Tatar leaders reported that during the year the committee helped promote Tatar interests at the national level. Also in May 1999 Tatar protesters erected a tent camp in front of the Crimean government building. The camp was dismantled after the Crimean Prime Minister Serhiy Kunitsyn agreed to the protesters’ demands for the creation of a council to represent Tatar interests in the Crimean government, for the right of Tatars returning from central Asia to own land, and for the creation of Tatar schools. A demonstration held on the anniversary of the deportation of Crimean Tatars in May was much smaller and less politicized.

The Crimean Government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions. However, the central Government is working with the UNHCR, OSCE, and the International Organization for Migration on support for the Crimean Tatar community.

The majority of the more than 260,000 Crimean Tatars who have returned to the country from exile in central Asia have received citizenship. According to Tatar leaders, approximately 30,000 to 40,000 of them still lack citizenship, a decrease from 67,000 in 1999. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling, and that the onerous process of acquiring citizenship has excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets (see Section 2.d.).

Romanians called for university-level instruction in Romanian or the establishment of a Romanian technical college. There are 86 Romanian-language schools in the Chernivtsi oblast.

Rusyns (Ruthenians) called for status as an official ethnic group in the country. At a congress held in Uzhhorod in 1999, representatives of the Rusyn community called for Rusyn-language schools, a Rusyn-language department at Uzhhorod University, and for Rusyn to be included as one of the country’s ethnic groups in the 2001 census. According to Rusyn leaders, more than 700,000 Rusyns live in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join trade unions to defend “professional, social and economic interests.” Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union. The 1992 Law on Citizens’ Organizations (which includes trade unions) stipulates noninterference by public authorities in the activities of

these organizations, which have the right to establish and join federations on a voluntary basis. In principle all workers and civil servants (including members of the armed forces) are free to form unions. In practice the Government discourages certain categories of workers, for example, nuclear power plant employees, from doing so. A new trade union law designed to replace Soviet-era legislation was adopted by Parliament and signed into law by the President in 1999. In January independent unions challenged the law. The grounds that it was as unconstitutional, and in late October, the Constitutional Court ruled that some provisions of the 1999 Labor Union Law were unconstitutional. The court rejected the requirement that unions must register with the Ministry of Justice and the condition that unions have a certain level of membership and regional representation in order to qualify for national status. The International Labor Organization (ILO) has stated that the law violated ILO Convention 87 on Freedom of Association.

The successor to the Soviet trade unions, known as the Federation of Trade Unions (FPU), has begun to work independently of the Government and has been vocal in advocating workers' right to strike. The FPU has supported the protests of miners and other professions over unpaid wages. However, as during the Soviet era, most FPU affiliates work closely with management. Following President Kuchma's 1998 appointment of the head of the FPU-affiliated coal miners' union to be director of the national coal monopoly, the FPU ended support for striking miners. Enterprise managers are free to join the FPU. In 1997 the FPU leadership created a political party, the All-Ukrainian Party of Workers, which is virtually indistinguishable from the FPU.

Independent unions now provide an alternative to the official unions in many sectors of the economy. The Independent Miners' Union of Ukraine (NPGU), unions representing pilots, civil air traffic controllers, locomotive engineers, aviation ground crews, and other unions operate either independently or within one of three national confederations. While exact membership is unknown, estimates for independent union membership ranged from 100,000 to 300,000, while estimates for FPU-affiliated unions ranged from 17 to 23 million members. Independent unions have claimed unsuccessfully a share of the former Soviet trade unions' huge property and funds, especially the social insurance benefits fund, a Soviet-era legacy traditionally controlled by the official unions.

Independent unions claimed that the new trade union law is more restrictive than the old Soviet legislation. To acquire national status, a union must have representation in more than half of the 14 regions of the country, or in one-third of the enterprises in a regionally based sector, or have a majority of union members in the sector. National status and registration confer the right to acquire space, property, to maintain bank accounts, and to enter legally binding agreements. These new requirements are likely to make it difficult for miners and sailors to organize. Another contentious requirement is mandatory registration by the Justice Ministry. All unions were required to reregister with the Justice Ministry by April. As of October, nearly all FPU-affiliated unions and 14 independent unions were registered. The largest independent union, the Independent Miners Union, was not registered because it lacks the geographic presence necessary for national status. As of October, the Justice Ministry had not applied the administrative sanctions against unregistered unions that were foreseen in the new law. Registration determines participation of a union in the national collective bargaining agreement with the Government, as well as membership on the Social Insurance Fund Board (see Section 6.b.). Independent unions stated that the Justice Ministry denied registration to unions not loyal to the Government. They also reported that management in many enterprises cited the new law in refusing to deal with independent unions. Additionally management no longer is obligated to provide free accommodation and telephone lines to unions. However, the law gives unions a say in labor safety and division of newly built housing.

The Constitution provides for the right to strike "to defend one's economic and social interests." The Constitution states that strikes must not jeopardize national security, public health, or the rights and liberties of others. The law does not extend the right to strike to members of the procuracy, judiciary, armed forces, security services, law enforcement agencies, and public servants. However, a 1998 Law on Labor Disputes Resolution extends the right to strike to employees of "continuing process plants," for example, metallurgical factories, provided that they give 15 days' advance notice of their intent to strike. The law prohibits strikes that jeopardize life or health, the environment, or that can hinder disaster, accident, or epidemic-related operations. According to the International Confederation of Free Trade Unions (ICFTU) 1999 report, the law does not allow strikes in the transport sector. Workers who strike in prohibited sectors can receive up to three years imprisonment.

The law does not prohibit specifically strikes based on political demands. The law prohibits strikes based on demands to change the constitutional order, state borders, or the administrative division of the country, as well as on demands that infringe on human rights. The Government has relied on the prosecutors and the courts to deal with strikes that it considered illegal. The law does not extend the immunity from discipline or dismissal to strikers who take part in strikes that later are declared illegal by the courts. A union that organizes an illegal strike is liable for strike-inflicted losses.

According to official statistics, there were 15 strikes in the first quarter of the year. There are no official restrictions on the right of unions to affiliate with international trade union bodies. The NPGU is a member of the Federation of Chemical, Energy, Mine, and General Workers' Union.

b. The Right to Organize and Bargain Collectively.—The Law on Enterprises states that joint worker-management commissions should resolve issues concerning wages, working conditions, and the rights and duties of management at the enterprise level. Overlapping spheres of responsibility frequently impeded the collective bargaining process. The Government, in agreement with trade unions, established wages in each industrial sector and invited all unions to participate in the negotiations. The 1998 Law on Labor Disputes Resolution provides for the establishment of an arbitration service and a National Mediation and Reconciliation Service to mediate labor disputes. During the first 4 months of the year, the service mediated 414 labor disputes. According to official statistics, in 1999 the service mediated 421 labor disputes.

The manner in which the collective bargaining law is applied prejudices the bargaining process against independent unions and favors the official unions (affiliates of the FPU). Most workers never are informed that they are not obligated to join the official union. Renouncing membership in the official union and joining an independent union can be bureaucratically onerous and typically is discouraged by management. The collective bargaining law prohibits antiunion discrimination. Under the law, disputes should be resolved by the courts. There have been cases in which such disputes have not been settled in a fair and equitable manner.

Under the new trade union law, an independent union also can be removed easily from the collective bargaining process at the enterprise level. Under the old law, if several unions at an enterprise failed to agree on joint representation, the larger union, that is the FPU represented labor in the bargaining process. The new law failed to address this problem.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the Labor Code prohibit forced and compulsory labor, and it generally is not known to occur; however, the country is a major source of girls and women trafficked for sexual exploitation (see Sections 5 and 6.f.). The law does not prohibit specifically forced and bonded labor by children; however, there were no reports of such practices, apart from victims of traffickers.

Human rights groups described as compulsory labor the common use of army conscripts and youths in the alternative service for refurbishing and building private houses for army and government officials. In 1998 student groups protested against a presidential decree obliging college and university graduates, whose studies have been paid for by the Government, to work in the public sector at government-designated jobs for 3 years or to repay fully the cost of their education. Students described the decree as an anticonstitutional attempt to introduce compulsory labor, as the Constitution provides for free choice of job and one's agreement to work. The Government stated that the decree would cover only students who entered higher education institutions in 1997 and thereafter. The extent of enforcement of the decree is unknown. In the past, human rights groups reported complaints from medical and law students that they had been forced to accept government-assigned jobs for 3 years to repay the cost of their education or not receive their diplomas. However, no recent complaints have been reported.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum employment age is 17; however, in certain nonhazardous industries enterprises may negotiate with the Government to hire employees between 14 and 17 years of age, with the consent of one parent. The Constitution provides for general secondary education. School attendance is compulsory until the age of 15, a regulation vigorously enforced by the Ministry of Education. However, since the Soviet era, the number of dropouts has increased significantly, mostly because of rising poverty. The Criminal Code prescribes up to 5 years in prison for involving children in criminal activities, drinking, begging, prostitution, gambling, or other exploitation. The Government does not prohibit specifically forced and bonded labor by children, but

there were no reports that it occurred, apart from victims of traffickers (see Sections 6.c. and 6.f.).

The Government ratified ILO Convention 182 on the Worst Forms of Child Labor in October.

e. Acceptable Conditions of Work.—The minimum monthly wage is \$21.70 (118 hryvnia), and the minimum monthly pension is \$4.70 (24.9 hryvnia). The average monthly salary is \$41.60 (228.8 hryvnia), which does not provide a decent standard of living for a worker and family. Moreover millions of persons go unpaid for many months because of shrinking budget revenue. In July Parliament declared the official subsistence level to be about \$50 (270.1 hryvnia) per month. Although the practice of underreporting sources of income is widespread, it is estimated that in fact some 50 percent of the population effectively lives in poverty.

The Labor Code provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries, for example, defense, significantly reduced the workweek for some categories of workers.

The law contains occupational safety and health standards; however, these frequently are ignored in practice. Lax safety standards and aging equipment caused many serious accidents, resulting in approximately 47,000 work-related injuries in 1999. According to official statistics, these were 85 serious industrial accidents in which 141 workers were killed and 332 were injured occurred during the first half of the year. Mining accidents killed 212 miners during the first half of the year. In the coal mining sector, it is estimated there are 5.2 deaths for every million tons of coal extracted.

In theory workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment; however, in reality, independent trade unionists reported that asserting this right would result in retaliation or perhaps dismissal by management.

f. Trafficking in Persons.—Trafficking in women and girls is a significant problem. The country is a major source and transit country of women and girls trafficked to Central and Western Europe, the United States, and the Middle East for sexual exploitation, and reports of trafficked women and girls from Ukraine also have come from Australia, Japan, and South Africa. The International Organization for Migration estimated in 1998 that 100,000 citizens had been trafficked abroad for this purpose since 1991. Between 1991 and 1997 Israeli authorities deported 1,500 Russian and Ukrainian women who had been trafficked there; and Italian officials estimated in 1999 that at least 30,000 Ukrainian women were employed in Italy in exploitative situations. In Israel where many Ukrainian women are trafficked, the Government fails to protect the victims and routinely jails the Ukrainian women on charges of prostitution prior to their deportation.

The Parliament passed an amendment to the criminal code in 1998 that imposes harsh penalties for, among other offenses, trafficking in human beings, including for sexual exploitation and pornography. In 1999 the Government established special police units to investigate trafficking crimes; however, the effectiveness of these units and of the amended Criminal Code has not yet been established. In 1999 the Human Rights Ombudsman established a National Coordinating Council for the Prevention of Trafficking in Human Beings; however, the organization has yet to demonstrate its effectiveness. Trafficking is becoming a higher priority for law enforcement agencies, but these agencies often lack the financial and personnel resources to combat well-established criminal organizations that run trafficking operations. The Ministry of Internal Affairs in 1999 established special antitrafficking units at the national and oblast levels. These units became operational this year; however, they have had limited impact. NGO's claimed that the local militia received bribes in return for ignoring this problem. Moreover, some reports allege that local public officials abetted or assisted organized criminal groups in trafficking women abroad.

The authorities do not prosecute men routinely for engaging women in the rapidly growing sector of sexually exploitative work. In the past three years, 37 criminal cases have been brought against alleged traffickers, most of which ended in acquittals. Sentences for those convicted of trafficking generally were not severe and usually consist of fines. In November a Greek man and two Ukrainian women were convicted of trafficking in human beings and sentenced to seven years and five years in prison, respectively. This case marked the first time convicted traffickers received jail sentences. In 1999 two women who were sentenced to 5-year suspended sentences and fined \$150 (680 hryvnia) for trafficking. In August 1999, authorities in the Netherlands arrested a Ukrainian national and three Dutch nationals for trafficking women to sex clubs in the southern Netherlands from Ukraine, Belarus, Poland, and Romania. No update on the results of these arrests were available at

year's end. Also in 1999, a man was given a suspended sentence and fined for trafficking women to brothels in the former Yugoslavia and engaging them in prostitution, and three persons were arrested on suspicion of selling 200 young women and girls to be used as forced labor in night clubs or as prostitutes in Turkey, Greece, and Cyprus.

Women who are trafficked out of the country often are recruited by firms operating abroad and subsequently are taken out of the country with legal documentation. They are solicited with promises of work as waitresses, dancers, or housemaids, or are invited by marriage agencies allegedly to make the acquaintance of a potential bridegroom. Once abroad the women find the work to be very different from what was represented to them initially.

The Government, primarily due to lack of funds, is unable to assist victims effectively. Some NGO's, such as the domestic NGO La Strada, began offering some support services for victims of trafficking, but these groups also suffered from a shortage of funds. For example, La Strada described a case in February in which seven Ukrainian mothers contacted the NGO to request help for their daughters who were

occasional societal violence against minorities. Trafficking in women is an acknowledged problem. In October the Human Rights Act came into effect, allowing for the enforcement of provisions of the European Convention on Human Rights in UK courts.

In Northern Ireland, power was devolved in December 1999 under the terms of the Good Friday Agreement, which established local government institutions, including a legislative assembly and a power-sharing executive. In February 2000, due to the lack of progress on weapons decommissioning by republican paramilitary groups, the Ulster Unionist Party (UUP) threatened to withdraw from the executive in protest. The Secretary of State for Northern Ireland suspended the institutions in February in order to prevent UUP withdrawal. In May, after the Provisional Irish Republican Army (PIRA) pledged to put its weapons completely and verifiably beyond use, the Government lifted the suspension, allowing devolution to resume. In October Executive First Minister David Trimble of the UUP refused to allow executive ministers of the republican Sinn Féin Party to participate in meetings of the North-South Ministerial Council, because there had been no progress on the weapons issue. At year's end, Sinn Féin ministers were challenging Trimble's move in court.

The Northern Ireland Human Rights Commission (HRC) initiated a comprehensive consultation process on a bill of rights specific to Northern Ireland, as mandated by the Good Friday Agreement. The commission also provides legal advice and assistance to citizens. The HRC Chief Commissioner urged the Government to grant the commission additional funding and enhanced powers. Under the terms of its creation in 1999, the HRC can make the case for such changes in a report to the Government in 2001.

The police force in Northern Ireland has had a complex and controversial role and under some circumstances continues to rely on support from British Army units. Approximately 13,000 British troops were stationed in Northern Ireland, the lowest number since the early 1970's. The Good Friday Agreement mandated wide-ranging reforms in policing and criminal justice with the aim of developing fair, effective, and representative law-enforcement institutions that have the confidence of all parts of the community. In November Parliament passed a Northern Ireland Police Bill based on the recommendations of the Independent Commission on Policing in Northern Ireland (commonly known as the Patten Commission). In March the criminal justice review mandated by the Good Friday Agreement publicly proposed as part of its findings reforms in the Northern Ireland prosecution system and in the procedures for making judicial appointments; its recommendations are expected to be implemented beginning in 2001.

In accordance with the Good Friday Agreement, the Government in September completed the staged release of 433 prisoners affiliated with paramilitary organizations that maintain a complete and unequivocal cease-fire—although “punishment” attacks continued in areas under the influence of these groups. Several paramilitary dissident groups in Northern Ireland committed acts of violence aimed at disrupting the peace process. During the year, over 250 violent sectarian attacks took place in Northern Ireland. Loyalists carried out 86 punishment shootings and 72 punishment beatings, while republicans carried out 50 punishment shootings and 54 beatings.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings by the Government.

The Police Complaints Authority (PCA), an independent watchdog organization, concluded its inquiry into the police investigation of the death of Roger Sylvester, a black man who died in 1999 after being restrained by police officers. The PCA certified that the circumstances had been investigated to its satisfaction and forwarded an investigation report to the Crown Prosecution Services (CPS). In November the CPS ruled that there was insufficient evidence to file criminal charges against the police officers involved in Sylvester's case. Sylvester's family called for an independent inquiry.

In December the CPS also ruled out filing criminal charges against police officers involved in the 1999 shooting death of Henry Stanley. Amnesty International expressed concern over the CPS decisions not to prosecute in the Sylvester and Stanley cases, which the organization considers “strong prima facie evidence” cases.

In May a London court set a February 2001 trial date for a police officer charged in the murder of James Ashley, who was shot and killed during a police raid on his home in 1998. In connection with the case, four other police officers face trial.

According to the PCA's Annual Report, deaths in police custody fell to 47 during the 12 months ending in March 2000, compared with 65 during the same period the previous year. The report states that 11 of the deaths occurred because of natural causes, 9 were due to alcohol or drugs, and 12 were suicides. The PCA supports the abolition of the offense of "being drunk and incapable" and recommends that drunks be dealt with by nurses and paramedics rather than by the police. According to the Home Office, the provisional number of deaths in police custody in England and Wales during the calendar year was 47; in Scotland it was 3.

There also were a number of deaths in custody in prison due to suicide and natural causes (see Section 1.c.).

The Northern Ireland Human Rights Commission is assisting the family of Jim McDonnell in the formal inquest into his death in 1996 in Northern Ireland's Maghaberry Prison. Fellow prisoners charged that prison staff beat him.

In April the European Court of Human Rights declared admissible 4 cases brought by the families of 12 individuals killed by the security forces (or with alleged security force collusion) in Northern Ireland in the 1980's and 1990's. The families contend that the Government violated, *inter alia*, Article 2 (the right to life) of the European Convention on Human Rights and charge that the deceased were killed unjustifiably by the State or its agents through excessive use of force and that the State failed to comply with its procedural obligations by not effectively investigating the deaths. One of the cases had earlier been included in an inquiry into the use of lethal force (including allegations that the authorities sanctioned a shoot-to-kill policy) conducted in 1984-87 by John Stalker.

In 1998 the Government opened a new judicial inquiry, presided over by a panel of three prominent judges from the UK and other Commonwealth countries, to establish the facts of the events of January 30, 1972, in Northern Ireland—"Bloody Sunday"—when 13 unarmed civil rights demonstrators in Londonderry were killed by British soldiers, but for which no member of the security forces was ever held accountable. The inquiry spent 2 years gathering testimony and evidence from other victims, journalists, and government officials. Formal hearings began in March in Londonderry. Following the August resignation from the panel of Sir Edward Somers due to personal reasons, the Government appointed John Toohey, a former judge on the Australian High Court. The disruption resulted in a 2-month delay in the proceedings, which resumed in November. The inquiry is expected to hear testimony from approximately 800 to 1,000 witnesses and continue for another 2 to 3 years.

David Copeland was convicted in June of a series of bombings in London in 1999 and sentenced to six life sentences. The bombings, motivated by racism and homophobia, killed three people.

Under the criteria of the 1998 Northern Ireland (Sentences) Act, the Government determined that the main republican and loyalist paramilitary groups were abiding by a cease-fire. Despite the fact that the groups are considered to be maintaining a cease-fire, killing and wounding by both republican and loyalist groups in Northern Ireland continued. The groups that the Government determined were not maintaining a total and unequivocal cease-fire are the Real IRA (RIRA), the Continuity IRA, the Irish National Liberation Army (INLA), the Red Hand Defenders, and the Orange Volunteers.

The PIRA was blamed widely for three May killings, including the killing of a dissident republican activist. While the PIRA did not comment or deny involvement, media reports attributed these crimes to the group.

More than 10 deaths in Northern Ireland during the year were attributed to feuding among the principal loyalist paramilitary groups. Victims included reputed members of key loyalist paramilitaries, including Ulster Volunteer Force (UVF) leader Richard Jameson.

In August the feud between the UFF/UDA and the UVF intensified when a display of strength by the UFF/UDA on the Shankill Road in Belfast led to gunfire and attacks on houses. During the following week, Bobby Mahood and Jackie Coulter (the latter connected with the UFF) were shot and killed, as was Sam Rocket, a UVF supporter. In August the Government revoked the release of Johnny Adair, a leader of the loyalist UFF who had benefited from early release in October 1999, for his role in the violent feuding. Subject to the approval of the Sentencing Board, the Government is recommending that Adair serve the duration of his original prison term. In December the factions announced a "truce."

Although a number of suspects were questioned, no one was charged with the murder of lawyer Rosemary Nelson, who died in a car bomb attack in 1999. The Red Hand Defenders, a loyalist splinter group, claimed responsibility, and human rights groups continued to express concern about alleged police collusion in the mur-

der. Nelson, known for taking on high-profile civil rights cases, claimed as early as 1997 that RUC officers made death threats against her.

In December 1999, a coalition of six human rights organizations stated that Nelson's death constituted a failure by the Government to meet its international obligations to ensure that lawyers are able to perform their jobs without fear for their safety. These organizations called for a full public inquiry into all the circumstances of Nelson's murder. In his April 2000 report to the U.N. Commission on Human Rights, the Special Rapporteur on the Independence of Judges and Lawyers expressed concern over the extent and thoroughness of the official investigation into Nelson's complaints of RUC threats.

Cognizant of the controversy surrounding Nelson's case, in 1999 the RUC appointed Deputy Chief Constable of Norfolk Colin Port to take over the investigation of the murder. Port's 80-member investigative team interviewed 7,000 potential witnesses. In March police made the first arrest of the case, questioning a man who was a member of the Royal Irish Regiment at the time of the murder; he was charged with an unrelated offense. In May the Independent Commission for Police Complaints (ICPC) ruled that there was "insufficient evidence" to discipline the RUC officers accused of threatening Nelson. In August Port appeared on the television program "Britain's Most Wanted" to appeal for individuals with information relating to the murder to come forward.

No one has been charged in the UK for the 1998 bombing in Omagh that killed 29 persons. The RIRA claimed responsibility for the bombing. While authorities have collected information that identifies individuals alleged to be responsible for the bombing, much of it cannot be used as evidence. In October news organizations identified the alleged perpetrators, which prompted complaints from victims' families that a future trial could be jeopardized. Witnesses who could make prosecution possible have been reluctant to come forward. Family members of victims have criticized Sinn Féin for refusing to assist in the police investigation. While over 20 suspects were detained, only 1, Colm Murphy, was charged (for aiding and abetting the crime) and faces trial in the Republic of Ireland.

In September a Belfast coroner conducted a public inquest into the Omagh bombing. Unlike inquests in England and Wales, coroner's courts in Northern Ireland do not reach verdicts apportioning blame, but instead make "findings" confined solely to the facts surrounding violent, sudden, or unexplained death. Human rights groups have argued in other inquests that this narrow definition shields wrongdoers, including soldiers and police officers, and unnecessarily keeps family members from learning the truth of the circumstances regarding their relative's death.

Human rights groups continued to call for an independent inquiry into the December 1997 killing of Billy "King Rat" Wright, leader of the Loyalist Volunteer Force, in the high security Maze Prison by members of INLA. The facts of the killing call into question the prison's security standards: The watchtower in the courtyard where the killing took place allegedly was unmanned at the time, the perpetrators had weapons smuggled to them, and they apparently had knowledge of Wright's whereabouts. The jury at the coroner's inquest in February 1999 stated that "person or persons unknown and undetected" were involved. In July the Government refused "on security grounds" to answer a parliamentary question about the identity the official in charge of the prison on the day of Wright's murder.

In June a Belfast coroner abandoned plans for an inquest into the 1997 death of Robert Hamill. Hamill's case received widespread attention because four RUC officers in a nearby vehicle allegedly did not act while Hamill was beaten to death by a mob. The coroner said that he feared that key witnesses would be in danger if they were called to give evidence. In 1999 one of the six suspects was acquitted of the killing but found guilty of a minor offense. The trial judge expressed concerns about the inaction of the police. Human rights groups argue that the RUC had intervened successfully in similar circumstances in the past. Moreover, they charge that the RUC's failure to intervene made the identification and prosecution of the murderers more difficult. The police ombudsman was directing the police investigation at year's end. Irish Prime Minister Bertie Ahern called for an independent public inquiry. The family provided the Government with evidence that it says makes a definitive case for such an inquiry.

The investigation into the 1989 murder of defense attorney Patrick Finucane continued. Finucane was killed in front of his family by members of the Ulster Defense Association (UDA). Human rights organizations have alleged security force collusion in the murder. In July two RUC officers were arrested and questioned about the murder, which was being reviewed in a third round of independent investigations by the Commissioner of the Metropolitan Police, Sir John Stevens. In August the inquiry seized documents related to the case from the British Army. William Stobie was arrested in 1999 and charged with the murder, although in August the charges

were reduced to aiding and abetting murder. Stobie has claimed he was an RUC informer at the time of Finucane's murder and said he warned police of a "hit" by the UDA, although it was unclear whether he knew Finucane was the target. Human rights organizations, the U.N. Special Rapporteur on the Independence of Judges and Lawyers, and Finucane's family continued to press the Government for an independent public inquiry into the killing. They cited the possible existence of new evidence that would support charges of collusion between government officials and loyalist paramilitary groups in Finucane's murder.

While British Army regulations normally bar from service those guilty of "serious crimes," Scots Guards Jim Fisher and Mark Wright continued to serve in their regiment, to which they were reinstated in 1998 after being convicted of and serving time in prison for the 1992 murder of Peter McBride. In 1999 McBride's family won a judicial review against the British Army Board that sanctioned the soldiers' reinstatement. In November the board reaffirmed its decision, allowing the pair to remain in the service.

Former Chilean President Augusto Pinochet left the UK on March 2 after Home Secretary Jack Straw announced that he would not extradite Pinochet to Spain for alleged human rights abuses because he was too ill to stand trial.

b. Disappearance.—There were no reports of politically motivated disappearances.

The Commission for the Location of Victims' Remains was established jointly by the British and Irish Governments in 1999 to facilitate the location of the remains of nine victims of IRA paramilitary violence from the 1970's. The commission succeeded in locating the remains of three persons in 1999, but suspended its work in May, pending the receipt of additional information from the IRA. Work had not resumed by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law forbids torture and other cruel, inhuman, or degrading treatment; however, individual members of the police occasionally abused detainees. Human rights organizations maintain that such abuse, while not widespread, is a matter of serious concern (see Sections 1.a. and 5). Detainees who claim physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions.

Reports by official bodies and nongovernmental organizations (NGO's) have suggested that the public lacks confidence in existing procedures for making complaints against the police. According to a February 2000 Council of Europe committee report, more complainants have been taking their cases to the civil courts rather than filing complaints. The report states that even where complaints are filed and point to likely police culpability, criminal or disciplinary action against police officers has been rare, and convictions or disciplinary action even rarer; in many cases, police officers under investigation took medical retirement. According to the report, of 36,731 complaints recorded in the 1996–97 period studied by the committee, only 141 resulted in legal or disciplinary action (latest statistics available). While accepting the need for reform of the complaint procedures, the Government disputed some of the conclusions reached in the report, pointing out that it omitted to mention over 1,000 disciplinary actions taken and the informal resolution of 32 percent of cases to the satisfaction of the complainants.

Following these reports, the Government has engaged in an ongoing process to reform the police complaints system. In 1999 the Government phased in new complaint procedures. Among other things, the new procedures instituted a formal written warning procedure in serious cases and lowered the burden of proof in civil misconduct proceedings. In May 2000, the Home Office published a consultation document based on two separate studies conducted by a management consulting firm and a human rights group. The paper recommended that complaints against the police be handled by a new body, whose name would better reflect its independent nature than the current Police Complaints Authority. It also recommended that the new body have the ability to independently investigate the most serious complaints, including deaths in custody. The Home Office, after receiving and incorporating feedback on its May paper, issued a further report in December on its proposed framework for a new police complaints system, much of it based on the two groups' recommendations.

Two RUC officers, Michael Magowan and Darren James Neill, were convicted and imprisoned in May for the 1998 assault on 18-year-old Bernard Patrick Griffin. Griffin, a Catholic, was arrested, beaten, verbally abused, and threatened. Griffin was then charged with assault. The truth emerged when a third officer present, Andrew Lea, confessed to his superiors; Lea was fined \$1,600 (1,000 pounds). Magowan and Neill received 1- and 2-year sentences, respectively, and face RUC disciplinary charges of criminal conduct, which could result in dismissal.

The Police Ombudsman for Northern Ireland began operation in November. The ombudsman has extensive powers to investigate complaints in Northern Ireland filed against the police or referred by the RUC Chief Constable, the Police Authority of Northern Ireland, or the Secretary of State for Northern Ireland. The ombudsman is to supervise automatically cases involving death or serious injury and may investigate other cases. The ombudsman can recommend to the Director of Public Prosecutions (DPP) that charges be brought against officers, although the final decision rests with the DPP. The ombudsman can direct the Chief Constable to take disciplinary action against police officers. Unlike the ICPC, which must rely on the complaints and discipline branch of the RUC to provide investigators, the ombudsman has an independent investigative staff.

Prior to being replaced by the ombudsman in November, the ICPC received 2,036 complaints; in November and December the ombudsman received about 540 complaints. In addition 2,396 cases were passed on from the ICPC to the ombudsman. Of the 2,390 cases completed by both organizations during the year, 7 led to informal disciplinary action and 9 led to formal criminal charges.

Legislation implementing the 1999 Patten Report on Policing in Northern Ireland was enacted in November. The law changes the oe

\$48,000 (30,000 pounds) for exemplary damages. Adams later was sentenced to 25 years for conspiracy to murder. Following the court decision on damages, an independent inquiry into Adams's treatment was initiated by the assistant chief constable of Strathclyde. On the basis of his report, the DPP declined to pursue charges against any of the officers involved. An application by Adams for judicial review of the DPP's decision was denied in June.

Police occasionally harassed Travellers and members of other minorities. Separate 1999 and 2000 reports pointed out that minorities are more likely to be stopped and searched than whites. In 1999 the Home Secretary ordered the police to recruit 8,000 officers from ethnic minorities within 10 years. In response the London Metropolitan Police increased recruitment of minority officers and hired additional recruits in 1999, which brought the total number of minority officers to less than 4 percent of the force. However, one-third of UK police forces have recruited no additional minorities.

The armed forces have a procedure to handle complaints of harassment, racial and otherwise. Service personnel also have the right to submit complaints to employment tribunals. In 1998 the services entered into a 5-year partnership agreement with the Commission on Racial Equality (CRE) to promote racial equality practices. During the year, the armed forces registered 77 internal harassment complaints, including 28 for sexual harassment, 9 for racial harassment, and 31 for bullying or other harassment.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out "punishment" attacks on victims who live in areas under paramilitary influence. The attacks often are intended to maintain or extend the control of paramilitary groups in a given region. Targets include group members who have broken ranks or individuals accused of "antisocial" activities such as drug trafficking or carjacking. The attackers have used iron pipes, baseball bats, sledgehammers, and spiked clubs to beat their victims and shot them in the knees and legs. The authorities recorded over 200 such incidents during the year. Human rights groups say that available statistics underreport the true number of casualties because many of the victims are too intimidated to report paramilitary punishment attacks.

A bomb damaged Hammersmith Bridge in London in June. In September terrorists fired a missile, believed to be a rocket propelled grenade, at the MI-6 building, headquarters of Britain's Secret Service. Neither attack resulted in injuries, and no one publicly claimed responsibility.

Prison conditions generally met minimum international standards. The chief inspector of prisons' annual report expressed disappointment that prison management had failed to recognize and eliminate problems independently or to followup on negative reports in previous years. The inspector described the treatment of prisoners and the conditions in several prisons as unacceptable, but noted some improvements in other institutions. The Prison Service made attempts to correct the problems of overcrowding and poor facilities maintenance in its prisons, through an investment of some \$1.72 million (1.1 million pounds) in maintenance projects during the 1999-2000 period and a reduction in the number of prisoners required to "double up" in cells through the addition of 500 new places. In August the deputy governor at Feltham, a juvenile prison, resigned in protest over what he termed dangerous and antisocial conditions. An October Prison Service report criticized procedural failures at Feltham in the case of Zahid Mubarek, an Asian man who was beaten to death by a fellow inmate, Robin Stewart. Stewart had been charged with racially motivated crimes and continued to write racist letters from prison, but nonetheless was housed in the same cell with Mubarek. In August four warders at the Portland Young Offenders Institute were suspended from their duties pending investigation of allegations of abuse over a 14 year period. The prison population in England and Wales as of December decreased by 2 percent over the same time the previous year from 65,279 inmates to 63,881.

Prison suicides decreased during the last year. The Prison Service reported 139 deaths of prisoners in England and Wales during the year, compared with 148 such deaths in 1999. Of these deaths, 82 were self-inflicted (91 in 1999) and 54 were due to natural causes (57 in 1999). The Scottish prison service reported 19 deaths in custody in 2000: The causes of 13 were unresolved pending the results of routine inquests, 5 were suicides, and 1 was due to natural causes.

Human rights groups have been particularly critical of Special Security Units (SSU's), which are used to hold prisoners deemed to pose an exceptional risk of escape. Citing small group isolation, the lack of adequate exercise, work, educational opportunities, and natural daylight, as well as strict enforcement of noncontact visits through a glass barrier, human rights groups maintain that SSU imprisonment

violates international standards. At year's end, 7 prisoners remained in SSU's; none was imprisoned for Northern Ireland terrorist-related crimes.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland Office and the Scottish Office.

The number of female prisoners continued to rise. According to a 1999 Home Office report, women now commit 20 percent of all crime, and the number of women sent to prison doubled in the previous 6 years. Implementing the recommendations of a 1999 report by its women's policy group, the Prison Service adopted new procedures governing admission to mother and baby units and standards for their management.

Faced with a large increase in the number of asylum seekers, the Government in December housed 1,195 immigration detainees in regular prisons, where normally they are held separately from convicted prisoners and prisoners awaiting trial. According to human rights groups, 28 regular prisons house some immigration detainees. The U.N. High Commissioner for Refugees (UNHCR) and other groups cite a lack of specialized skills among regular prison officials in dealing with immigration detainees. The UNHCR, which regularly visits detention centers and has excellent relations with the Government and detention center officials, continues to criticize the Government's "expectation of noncompliance" by asylum seekers. In March the Government opened a new center to house asylum seekers for short periods while their cases are decided. The Home Office was also in the process of finalizing rules for the treatment of asylum seekers in detention centers, which has been called for by the chief inspector for prisons for England and Wales.

The Prison Service stated that three prisoners were convicted in 1999 of offenses related to the situation in Northern Ireland. The requests by all three for repatriation to the Republic of Ireland remained under consideration. Since the prisoners committed their offenses after the signing of the Good Friday Agreement, they are not covered by its provisions for the early release of prisoners.

The Government permits human rights monitors to visit prisons and immigration detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The authorities can and often do make arrests or detain suspects without judicial warrants, especially in Northern Ireland, when they believe that they have reasonable cause to suspect wrongdoing. The 1994 Criminal Justice and Public Order Act allows police officers to stop and search vehicles and pedestrians if a police officer of at least superintendent rank (or a chief inspector if no superintendent is available) "reasonably believes" it is expedient to do so to prevent acts of violence. The authorization is limited to a 24-hour period but is renewable under certain circumstances.

In July Parliament enacted the 2000 Terrorism Act, which is scheduled to come into force in February 2001. The law reforms mechanisms and powers used to deal with terrorism relating to Northern Ireland and extends them to all forms of domestic and foreign terrorism across the United Kingdom. It replaces the Prevention of Terrorism (Temporary Provisions) Act of 1989, the Northern Ireland (Emergency Provisions) Act of 1996 (Amended in 1998), and sections of the Criminal Justice (Terrorism and Conspiracy) Act of 1998, incorporating many provisions of those acts into the new law. Certain other provisions of those laws, applicable only to Northern Ireland, are to be extended for a maximum of 5 years, based on the special security situation that continues to exist there.

The new act widens the definition of terrorism to include actions or threats of action that are designed to influence the Government or intimidate the public to advance a political, religious, or ideological cause that involves serious violence against a person or serious damage to property, endangers a person's life, creates a serious risk to the health or safety of the public, or is designed to seriously interfere with an electronic system. It gives police the power to arrest and detain suspected terrorists for up to 48 hours without judicial review, or, under limited circumstances, legal representation. Under the law, the Government may ban organizations involved with any form of international or domestic terrorism and prosecute individuals who participate in or support such organizations. The law also enhances the Government's power to seize assets related to terrorist activities.

The act also provides for special emergency powers applicable to Northern Ireland for a period of up to 5 years maximum—or less if the Secretary of State for Northern Ireland determines that the security situation allows it. These powers include special entry, arrest, search, and seizure authority without a warrant under certain circumstances, nonjury, single-judge "Diplock Court" trials for "scheduled" offenses, and a lower standard of admissibility of confessions than in ordinary courts.

Human rights groups, including Amnesty International, have expressed objections over certain temporary and permanent provisions of the new act. These objections focus on the broad definition of terrorism employed in the law, the proscriptive pow-

ers of the state, and the powers of arrest, detention, and interrogation. They argue that the act effectively reverses the burden of proof in suspected terrorism cases and fails to provide adequate safeguards against abuse by law enforcement officials.

Suspects arrested without warrants must be released within 24 hours (or 36 hours if a serious offense is involved) unless brought before a magistrates' court or arrested under Terrorism Act provisions. The court may authorize extension of detention by 36 hours and on further application by another 24 hours, versus the 48-hour scheme extant in Northern Ireland (see Section 1.e.).

Defendants awaiting trial have a statutory right to bail unless there is a risk that they would flee, commit an offense, interfere with witnesses, or otherwise obstruct the course of justice, or unless they were on bail when the alleged offense was committed. Defendants who are remanded in custody are protected by statutory custody time limits, which restrict the period for which they can be held while awaiting trial to a maximum of 182 days, unless the court grants an extension. According to data supplied by the Home Office, at year's end 6,791 defendants were in custody awaiting trial. Of those in custody, 6,094 had been awaiting trial for less than 24 weeks, while 196 had been waiting longer than 48 weeks. On balance the time spent awaiting trial decreased from 1999. The 1998 Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The law gives administrative detention power to immigration officers. There is no

ganization, including the provision of money or other property. The act allows for the seizure and forfeiture of assets belonging to a person convicted of fundraising or otherwise assisting or supplying property to be used for the purposes of terrorism. Human rights groups, including Liberty, have criticized the criminalization of membership in a terrorist organization as violating the right to freedom of expression and association.

Under the 1994 Criminal Justice and Public Order Act, judges have the power to instruct juries that they may draw an inference of guilt from a defendant's refusal to answer questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee sharply criticize this provision, which they consider an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland. Based on a 1996 European Court of Human Rights judgment, the 1999 Criminal Evidence (Northern Ireland) Order codifies guidelines issued by the Attorney General that prohibited the drawing of inference from silence when a suspect is questioned before being permitted access to an attorney.

Indigent defenders have the right to free counsel of their choice, with some exceptions. Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

In Northern Ireland, special "emergency" restrictions affect due process. The 2000 Terrorism Act extends the application of most provisions of the 1991 Northern Ireland Emergency Provisions Act (EPA) for a year, subject to another 12-month extension. Trials for certain terrorist-related offenses are conducted automatically in "Diplock courts" without a jury unless they specifically are "scheduled out" to ordinary jury courts. Diplock courts were established to avoid cases being heard by juries that might make decisions along sectarian lines, as well as to protect jurors from intimidation. If judges decide to convict, they must justify the decision in a document that becomes part of the court record. An appellate court may overturn the decision on either factual or legal grounds. During the year, 89 persons were tried in Diplock courts, of whom 39 either pled or were found guilty. An internal review of the Diplock court system was completed in July. It concluded that, due to the risk of juror intimidation, the time was not yet right to achieve the Government's objective of resuming jury trials for all offenses. The Government accepted this conclusion. The Diplock courts, and the Government's latest decision to retain them, have been criticized widely by human rights groups.

Provisions of the EPA extended under the Terrorism Act establish lower standards for the use of uncorroborated confessions in Northern Ireland than in normal cases, and such confessions have in the past been used as the sole basis for conviction. Additionally, these provisions permit the police to prevent any suspected terrorist from contacting legal counsel for up to 48 hours after arrest under certain circumstances, at the request of a police officer with the minimum rank of superintendent. After a detainee has asked to see a lawyer and has done so, this period is renewable in subsequent 48-hour increments until the detainee is charged or released. Human rights groups have criticized these provisions, arguing that a detainee is most likely to need counsel in the first few hours; lack of counsel during that time makes false or coerced confessions and the abuse of detainees more likely. According to the Northern Ireland office, 92 requests for access to lawyers were made through June, none of which were delayed.

The 1996 Criminal Procedures and Investigations Act reduced defense lawyers' access to potential evidence held by the prosecution, including information as to how the evidence was collected. According to the Committee on the Administration of Justice, a local NGO, this practice may be contrary to U.N. guidelines on the role of prosecutors.

In light of allegations of security force collusion in the killings of Patrick Finucane and Rosemary Nelson (see Section 1.a.), there is continuing concern about harassment of lawyers by members of the RUC. The Human Rights Commission and the Law Society (the solicitors' professional association) received complaints from attorneys during the year and were considering undertaking a study to assess the full extent of the problem, since there is evidence that the number of incidents is underreported. The RUC maintains that it has zero tolerance for misbehavior toward attorneys and specifically has addressed the issue in its new code of ethics.

In March a nine-member panel of legal professionals, drawn from the civil service and private practice, issued the Northern Ireland Criminal Justice Review, which was mandated by the Good Friday Agreement. The review's 294 recommendations are intended to improve the criminal justice system so that it will enjoy the confidence of all parts of the community while delivering justice efficiently and effectively. The report recommends the creation of a single independent prosecuting au-

thority called the Public Prosecution Service for Northern Ireland that would be responsible for all prosecutions, including minor offences that are now prosecuted by the police. The review also recommends creation of a nonpolitical Northern Ireland Attorney General to oversee the Prosecution Service. It calls for the establishment of a single minister-level Department of Justice once responsibility for justice is devolved to Northern Ireland. To ensure that judicial appointments faithfully reflect the composition of Northern Ireland society, the review recommends the establishment of a Judicial Appointments Commission, which would include input from the First Minister and Deputy First Minister, to introduce local political responsibility and accountability into the appointments process. The review also makes recommendations on restorative justice, juvenile justice, community safety, victims and witnesses, and sentencing and prisons.

During a 6-month consultation period ending in September, the Government accepted comments on the review from human rights NGO's and political parties. In October the Government stated that it fully endorses the general approach taken in the report. Legislation is expected in 2001.

In accordance with the Good Friday Agreement, the Government concluded the process of releasing prisoners affiliated with paramilitary organizations that maintained a cease-fire. By year's end, 433 paramilitary prisoners, including 229 republicans and 193 loyalists (and 11 "others") had been released under the 1998 Northern Ireland (Sentences) Act, commonly referred to as the early release program.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Warrants normally are required for a police search of private premises; however, under the 2000 Terrorism Act a police officer may enter and search "any premises if he or she reasonably suspects a terrorist is to be found there." The Government compensates persons whose houses or property have been damaged during house searches.

In July the Regulation of Investigatory Powers Act (RIPA) became law. The RIPA allows the Government to monitor the content of private electronic communications after obtaining a warrant. In addition law enforcement agencies may require individuals and businesses to disclose encryption keys under certain circumstances. In October the Government enacted regulations under the RIPA allowing businesses to monitor the electronic communications of employees. The regulations are expected to be challenged under the Human Rights Act.

In Northern Ireland, paramilitary attacks on the homes and families of police and politicians decreased significantly, but the security forces believe that such groups continue to conduct surveillance and retain the capability to target police and politicians.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Strongly held common-law tradition, an independent press, and a democratic political system combine to secure freedom of speech and of the press. Viewpoints critical of the Government are well represented.

The print media are dominated by a handful of national daily newspapers, all privately owned and independent (although often generally aligned with a political party). About half of the electronic media are run by the British Broadcasting Corporation (BBC), which is funded by the Government but enjoys complete editorial independence. Corporations under renewable government license run the remainder.

In May Barry Michael George was charged with the 1999 murder of Jill Dando, a leading television personality. George, whose trial was scheduled for February 2001, was believed to have been obsessed with Dando.

Press organizations and human rights groups continued to criticize the 1981 Contempt of Court Act, which allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice. The 1984 Police and Criminal Evidence Act also contains provisions that compel journalists to give evidence in cases where police can prove it is necessary to their investigation. The Official Secrets Act, another law cited by journalists as unduly restrictive, prohibits the defense that the information is already in the public domain or that its publication is in the public interest.

In November Parliament passed the Freedom of Information Act (FIA). The FIA provides for public access to information held by the government. Certain information, including information related to the Security Service and Secret Intelligence Service, is subject to an absolute exemption from disclosure. In addition, the Government may refuse to disclose other "exempt" information, including information relating to national security and the operation of any ministerial private office, if the public interest in maintaining the exemption outweighs the public interest in

disclosure. Critics, including the NGO Campaign for Freedom of Information, charge that the exemptions are overly broad.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of peaceful assembly, but that right is limited routinely where it would impose a cost on public convenience. Police dispersed a May 1 anticapitalist demonstration in London after participants rioted, stoned police, and damaged cars and businesses. Several persons were injured, and a number of protesters arrested.

In Northern Ireland the annual “marching season” posed significant problems for the Government since the right of assembly conflicted with the concerns of local residents in some communities who perceived the parades as the celebration of Protestant “triumphs” in historical battles. The 1998 Public Processions (Northern Ireland) Act transferred responsibility for ruling on disputed marches from the RUC to a Parades Commission. Of the 3,304 parades held during the year, 260 were considered contentious. Of these the Parades Commission imposed restrictions on 188. The courts refused the Orange Order’s bid for a judicial review of the act. The Orange Order claimed that the law’s provisions violated the Human Rights Act’s provisions for freedom of speech and assembly.

In response to the Parades Commission’s decisions in June and July not to allow the Orange Order parade down the nationalist Garvaghy Road in Portadown, the Orange Order called for widespread protests throughout Northern Ireland. Loyalist demonstrators blocked streets, and some hijacked and burned cars; the protests caused widespread disruption, and businesses were forced to close early. The two parades at Drumcree on July 2 and 9 took place relatively peacefully amid a massive security presence, but on several intervening evenings loyalist protesters on Drumcree Hill became violent and attacked police and army security forces. The Portadown Orange Lodge called for peaceful protests but did not condemn the violence. The Apprentice Boys’ Siege of Derry parade on August 12 largely was peaceful.

The law provides for freedom of association, but that right is sometimes limited. Under the 2000 Terrorism Act, it is an offense, punishable by up to 10 years’ imprisonment, to belong to or profess to belong to an organization proscribed by the Home Secretary. Individuals are also subject to prosecution for supporting or inviting support for a proscribed organization, arranging or addressing meetings by proscribed organizations, or wearing clothing or carrying or displaying articles that would reasonably arouse suspicion of membership in a proscribed organization. Amnesty International has expressed concern that these powers may infringe on the rights to freedom of association and expression.

c. Freedom of Religion.—Government policy provides for freedom of religion, and the Government generally respects this right in practice. Members of all faiths and denominations enjoy freedom of worship. The Human Rights Act prohibits discrimination on the basis of religion. Those who believe that their freedom to worship has been abrogated have the right to appeal to the courts for relief. The Church of England (Anglican) and the Church of Scotland (Presbyterian) have the status of state religions, although their status has come under increasing scrutiny. A January university report on religious discrimination commissioned by the Home Office claimed that the establishment of the Church of England causes “religious disadvantage” to other religious communities. The Home Office at year’s end still was considering the report.

The Church of Scientology asserts that it faces discrimination because the Government does not treat Scientology as a religion. Ministers of Scientology are not regarded as ministers of religion under prison regulations or for immigration purposes. In 1999 the independent Charity Commission rejected a Church of Scientology application for charitable tax status accorded to most religious groups, and concluded that it is not a religion for the purposes of charity law.

The 1988 Education Reform Act requires that government schools hold a daily act of nondenominational Christian worship. A parental right of withdrawal exists for children who do not wish to participate, and safeguards exist for teachers who do not wish to participate in or conduct religious education. The act provides for alternative collective worship for other faiths. Teachers’ organizations have called for government review of the act. Some “voluntary schools” provided by religious groups enjoy state support. While the majority of these schools are Anglican or Catholic, there are a small number of Methodist and Jewish schools.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation. In 1997 the Home Secretary revoked all exclusion orders preventing individuals linked to terrorism in Northern Ireland from traveling to Great Britain. When the Prevention of Terrorism Act was renewed in

1998, it did not include provisions for exclusion orders. However, the Home Secretary has the power to activate other statutes implementing exclusion orders at any time.

The Government cooperates closely with the UNHCR and other humanitarian organizations in assisting refugees. First asylum is provided under a temporary protection process. Applicants are given 6 months' "leave to enter the country" on arrival. They then can apply for an automatic 3-year extension of their stay and may apply for refugee status at any time. Asylum applications are considered in accordance with the criteria set out in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Some asylum seekers are detained while the Government reviews their cases (see Section 1.d.); some are detained in regular prisons (see Section 1.c.).

Faced with growing numbers of asylum applicants, the Government passed legislation in 1996 and 1999 designed to deter illegal entrants and the abuse of the asylum process, streamline the appeals process, and restrict benefits provided to asylum seekers. In December the Government issued guidelines for use by the courts in considering asylum claims by women. Judges were urged to consider forms of persecution more likely to be faced by female asylum applicants, including female genital mutilation and forced prostitution. The Government's policy, and the 1999 Immigration and Asylum Act in particular, have been criticized by the UNHCR and NGO's for being detrimental to refugee rights. In particular Amnesty International in a September report claims that the Government's practice of dispersing asylum seekers throughout the county and issuing them vouchers for the purchase of food and other items stigmatizes asylum seekers and denies them access to community services.

At year's end, 66,195 asylum applications were outstanding, compared with 101,475 outstanding a year earlier. The Government decided on 110,065 initial asylum applications, granting asylum in 10,185. Under a special program to clear the asylum backlog, the Government also granted leave to remain in 10,330 cases. An additional 11,365 cases were refused asylum, but were granted "exceptional leave to remain."

There were no reports that persons were forced to return to countries where they feared persecution.

Feuding among loyalist paramilitary groups resulted in the expulsion of over 200 families from their homes in the Shankill region of West Belfast as each group sought to expel from the neighborhood families allegedly sympathetic to their rivals. This scale of violent eviction had not been experienced in Northern Ireland since 1972.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government and freely exercise that right. The lower chamber of Parliament (the House of Commons, the center of legislative power) is elected in periodic, multiparty elections. The upper chamber (the House of Lords), with the power to revise and delay implementation of laws, is made up of hereditary and appointed life peers and senior clergy of the established Church of England. In the first stage of a government reform program, the House of Lords agreed in 1999 to remove all but 92 of its over 900 hereditary peers who, with approximately 500 life peers and 26 clergy, make up the current House of Lords. Possible additional reforms are being debated, which would further reduce the size of the chamber, democratize selection of members, and add representatives of faiths other than Anglicanism as *de jure* members.

The Government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every 5 years. Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. As in the rest of the country, Northern Ireland has city and district councils but with fewer powers. England and Wales also have County Councils. The Northern Ireland Assembly, the Scottish Parliament, and the Welsh Assembly have control over matters of regional importance, such as education, health, and some economic matters. Foreign affairs and defense continue to be the responsibility of the central government.

Due to continuing problems with the decommissioning of paramilitary weapons, the Northern Ireland Assembly and Executive (established under the terms of the Good Friday Agreement) were suspended in February. The institutions were restored in May following intensive British-Irish talks with the parties and an initiative on weapons by the IRA.

The small number of remaining UK overseas territories have an aggregate population of approximately 190,000. They enjoy varying degrees of self-government on the British model, with appointed governors.

Women are underrepresented in government and politics, although they and minorities face no legal constraints on voting or holding office. Women constitute 18 percent of the members of the House of Commons and approximately 16 percent of those in the House of Lords. Some 28 Members of Parliament have identified themselves as members of minority ethnic groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views.

A number of international nongovernmental human rights organizations, including Amnesty International and Human Rights Watch, are based in the country. The Government cooperates fully with international inquiries into alleged violations of human rights.

The 1998 Human Rights Act, which incorporated the provisions of the European Convention on Human Rights into domestic law, took effect in October 2000 for the entire United Kingdom. Proceedings under the Human Rights Act can be brought only by victims of a breach of convention rights by a public authority. The Home Office has a human rights unit to carry out human rights policy and legislation. NGO's have criticized the Government for its failure to create a government-wide Human Rights Commission. In Northern Ireland the Human Rights Commission was established as an outcome of the peace process. While cases still may be taken to the European Court of Human Rights, all domestic remedies under the 1998 act must be exhausted first.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The 1976 Race Relations Act prohibits discrimination on the basis of race, color, nationality, or national or ethnic origin and outlaws incitement to racial hatred. These protections were extended to Northern Ireland in 1997. However, some groups continued to experience official and societal discrimination.

The Human Rights Act prohibits discrimination on the basis of religion by public authorities. Employment discrimination on the grounds of religious or political opinion was outlawed specifically in Northern Ireland by the Fair Employment Act. The 1998 Fair Employment and Treatment Order extended the prohibition on discrimination to the provision of goods, facilities, services, and premises. The Government respects and enforces all antidiscrimination laws, which concentrate on employment and the supply of goods and services. The Northern Ireland Equality Commission began operation in August 2000 to oversee antidiscrimination policy.

Women.—Violence against women continues to be a problem. In 1999 a government report, "Living Without Fear," indicated that one in four women experience domestic violence at some stage in their lives, that reported incidents of rape more than tripled over the past 10 years, that two women per week are killed by their current or former partners, and that women fear personal attack more than any other crime. According to a February 2000 Home Office study, the 6,000 rapes and 17,500 indecent assaults recorded by the police yearly vastly underreport of the real scale of sexual violence against women. The study estimates the true number of rapes and assaults at between 118,000 and 295,000. The research was released as part of a package of government grants and projects aimed at improving the conviction rate for rape and providing women with better protection against domestic violence. Reports of violence against women in Northern Ireland have increased.

Criminal penalties for rape, including spousal rape, sexual assault, and domestic violence are substantial, and these laws are enforced strictly; however, conviction rates for rape tend to be lower than for other crimes. In the 12 months ending in September, 37,263 sexual offences were recorded in England and Wales, a decrease of 0.4 percent over the same period in 1999. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provides shelters, counseling, and other assistance for battery or rape and offers free legal aid to battered women who are economically reliant on their abusers.

Criminal action for sexual harassment cases must be prosecuted under assault legislation since no law specifically prohibits sexual harassment. Women's groups have complained that civil suits concerning sexual harassment and discrimination

on the basis of gender sometimes take up to 3.5 years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes, but women experience some discrimination in practice. The 1975 Sex Discrimination Act, as amended in 1986, prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. According to the Government's Equal Opportunities Commission (which supports persons who bring discrimination cases before industrial tribunals and courts and produces guidelines on good practice for employers), significant progress has been made towards equal opportunity for women since the commission was established in 1975. The introduction of the national minimum wage in 1999 was an important change in the effort to equalize pay. However, a February report for the Government's Women's Unit found that women in full-time work earn on average 84 percent of the earnings of male full-time workers.

Trafficking in women is a growing problem (see Section 6.f.).

Women's issues within the Government are represented at the cabinet level by the Minister for Women, who heads up the Women's Unit, which engages in dialog with women and advises the Government but has no authority for direct action.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its systems of public education and medical care. The Government provides free, compulsory education to age 16 and further education to age 18 if the student so desires.

While there is no societal pattern of abuse directed against children, indications are, despite a lack of reliable data, that child abuse is nevertheless a problem. Since the paramilitary cease-fires, reports of violence against children in Northern Ireland have increased.

Concern and publicity surrounding pedophiles is growing. As part of a government drive to protect the young from child abusers, previously secret registers of pedophiles are available to any employer who runs an organization where persons under age 18 could be at risk (schools, children's homes, or voluntary organizations). In addition suspected child abusers and convicted pedophiles are banned from working with children. Childcare organizations must consult a list before offering anyone a job, paid or otherwise, and it is illegal for them to hire anyone named on it.

Various laws covering England and Wales stipulate that children have the right to apply for court orders, to give or withhold consent for medical treatment (for those capable of making an informed decision), to make complaints to the relevant local authority, to have their ethnic, linguistic, and religious background considered in decisions affecting them, to have reasonable contact with their families (usually applied in a circumstance where there was abuse), and in general to be consulted regarding their desires.

In February rules were introduced in England and Wales to reduce the intimidation that young suspects may feel when tried in an adult court. The rules include a ban on robes and wigs and uniformed security officers in the courtroom and affect all defendants under age 18 who face serious criminal charges in crown courts. The changes were in response to a 1999 European Court of Human Rights ruling that two young boys' rights were violated by the intimidating nature of their trial.

Under the Prevention of Terrorism Act, the police can arrest and detain children as young as 10 years old for up to 7 days.

In January the Government published a consultation document proposing that laws be amended to make it illegal for parents to hit their children with an implement or hit them on the head or face. It did not propose to outlaw completely spanking or hitting. The proposals are the result of a European Court of Human Rights ruling in 1998 that a 9-year-old boy's rights were violated by his stepfather's caning. The 1998 School Standards and Framework Act extended the ban on corporal punishment in state schools to private schools and nursery schools. Child welfare groups have called for all corporal punishment of children to be outlawed.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health and has been illegal in the United Kingdom since 1985, is practiced by immigrant populations from countries in which the practice is common. The extent to which the procedure is carried out in the UK is unknown, but the Government continues to work to eradicate it.

People with Disabilities.—The 1995 People With Disabilities Discrimination Act outlaws discrimination against disabled persons in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. In addition all businesses are required to accommodate disabled customers. Adaptations must be "reasonable," bearing in mind the circumstances and

size of the business. The 1993 Education Act requires local education authorities to make provision for the special educational needs of disabled children.

In April the Disability Rights Commission (DRC) was launched. The DRC provides a hot line for disabled people and employers, legal advice and support for individuals, and policy advice to the Government. The DRC also has the power to conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with law, and apply for injunctions to prevent acts of unlawful discrimination.

Government regulations require that all new buildings meet the access requirements of all persons with impaired mobility and that all taxis be wheelchair accessible. In 1992 the Government promulgated similar regulations for sensory-impaired persons. However, while generally improved, access to many buildings, especially older buildings, including transportation centers, remains inadequate.

Religious Minorities.—According to the NGO the Board of Deputies of British Jews, the number of anti-Semitic incidents in Britain during the year was 398, compared with 270 in 1999 (adjusted figure). Public manifestations of anti-Semitism are confined largely to the political fringe, either far right or Islamist. In reaction to the October violence in the West Bank and Gaza, a number of synagogues were attacked by persons throwing bricks or other objects through the windows and anti-Semitic leaflets were posted in Manchester, Birmingham, and London. A Jewish man was stabbed in London in October in an apparent racist attack.

Although there is some evidence that unemployment rates among Catholics remain higher than among Protestants in Northern Ireland, government programs and continued economic growth in the region have resulted in a decrease in the overall unemployment rate.

The 1989 Fair Employment (Northern Ireland) Act, as amended, aims to end even unintentional or indirect discrimination in the workplace, and a public tribunal adjudicates complaints. All public sector employers and all private firms with over 10 workers must report annually to the Equality Commission on the religious composition of their work force and must review their employment practices at least once every 3 years. Noncompliance can bring criminal penalties and the loss of government contracts. Victims of employment discrimination may sue for damages. Although critics of the act assert that its targets and timetables are too imprecise, most leaders of the Catholic community regard it as a positive step.

While the active recruitment of Catholics by the Northern Ireland Civil Service produced rough proportionality in overall numbers, the service acknowledges that Catholics remain significantly underrepresented in its senior grades. Government efforts to increase the recruitment of Catholics into the police (currently 92 percent Protestant) and related security jobs in Northern Ireland have been hampered by widespread antipathy in the Catholic community to the security forces as well as by intimidation by republican organizations opposed to any cooperation with the police or security forces. Despite past efforts, the percentage of Catholic officers in the force has not changed significantly. The new policing bill mandates that a 50:50 religious balance be maintained in new recruitment until the religious composition of the police reflects the mix in society at large. Critics of this approach contend that it will violate the UK's international commitments.

The fear of intercommunal violence has, over the years, led to a pattern of segregated communities in Northern Ireland. Protestant and Catholic families have moved away from mixed or border neighborhoods.

According to the RUC, there were 28 arson/bomb attacks and 3 other acts of violence directed at both Protestant and Catholic churches in Northern Ireland during the year.

National/Racial/Ethnic Minorities.—Despite legal prohibitions against race discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin and Travellers face occasional acts of societal violence and some discrimination. According to an official report in October, 21,700 racially related offenses were recorded in the 1999–2000 period. Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years' imprisonment. The Government strictly enforces the laws and regulations in this area.

In June David Copeland was convicted of a series of racially motivated bombings in London that killed three people (see Section 1.a.). In November Robert Stewart, an inmate at the Feltham young offender institution, was convicted of the March murder of his Asian cellmate, Zahid Mubarek. Prior to the commission of the murder, Stewart had been charged with racially motivated offenses, and had written a number of racist letters while in prison (see Section 1.c.).

The government-appointed but independent Commission for Racial Equality provides guidelines on good practice, supports persons taking court action under the 1976 Race Relations Act, and may initiate its own court actions. After investigating

a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE then monitors the response to its notice for 5 years.

According to a February announcement by Scotland Yard, the number of black and Asian officers in the metropolitan police increased by 20 percent since the release of the Lawrence Report. However, minority officers still represent only about 4 percent of the metropolitan police force. More than one-third of police forces did not increase minority recruitment, the rate of which is substantially below the level required to meet targets set by the Home Office.

A series of reports in 1999 and 2000, both independent and commissioned by police, show that minorities are more likely to be stopped and searched by police than whites (see Section 1.c.).

In March the Police Complaints Authority announced that it would conduct a new inquiry into the police handling of the death of Ricky Reel, a young Asian found drowned in the Thames River in 1997. His family believes that Reel was the victim of a racial attack and claim that police failed to investigate the crime properly.

Travellers, nomadic populations consisting of Roma, Irish, and "new" Travellers, estimated to number 100,000 persons, experience marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. U.N. Committees on both the Rights of the Child and the Elimination of Racial Discrimination have expressed similar concerns. In August 1997, the Government passed the Race Relations (Northern Ireland) Order, which for the first time gave specific legal protection to minority ethnic groups there, including the Traveller community. In January a study by Dundee University revealed institutionalized racism towards the Scottish Traveller community. In particular it showed that racist and intolerant attitudes among health professionals prevented Travellers from receiving proper medical care.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions, and the Government respects this right in practice. The 1999 Employment Relations Act established the country's first procedures for statutory, as distinct from voluntary, union recognition. The Department of Trade and Industry began to promulgate implementing regulations during the summer of 2000. Additional regulations are being issued as they are completed. For example, beginning on September 4, 2000, workers are entitled to be accompanied at disciplinary and grievance hearings by a trade union representative—even if an employee's workplace is not unionized.

Unions are free of government control. The Employment Relations Act affords significant new protection to union organizing efforts and, for the first time, confirms the statutory right to strike. The act sets minimum employment standards for the first time in labor law.

Unions participate freely in international organizations. The general secretary of the International Confederation of Trade Unions (ICFTU), the general secretary of the Trade Union Advisory Committee to the Organization for Economic Cooperation and Development, and the workers' representative on the governing body of the International Labor Organization (ILO) are all former British trade union leaders.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is longstanding and widespread, covering about 30 percent of the work force. Unionization is heaviest in the public sector. Under the Employment Relations Act, labor-management contracts are, for the first time, legally enforceable.

Under the 1999 act, unions can file a request for recognition, identifying the proposed bargaining unit, to the Central Arbitration Committee (CAC). The act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces.

Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC can issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit.

Although the law encourages voluntary agreements between employers and unions, the CAC can, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays. To date no union has filed a case before the CAC. This reflects the Trades Union Council's (TUC) explicit preference that its member unions should secure workplace agreements through negotiation rather than in the

courts. The TUC acknowledged that the right to take a unionization dispute to the CAC has boosted its organizing efforts.

Workers are protected against dismissal or other retaliation for campaigning or voting for or against recognition. Unions no longer are required to name members when initiating a strike ballot, to minimize opportunities for retaliation. The law also prohibits the compilation of lists of union members and labor activists for use by employers and employment agencies. This is aimed at "blacklists," as operated in the past. Dismissed strikers are able to claim unfair dismissal if fired within 8 weeks of when they first undertook a legal strike.

Union members are protected against "being subject to any detriment" due to union activity or membership. This protection goes further than the previous language of "action short of dismissal taken against him as an individual." Heretofore, it was legal for employers to withhold fringe benefits otherwise available to non-union employees.

At the same time, the 1999 act retains key policies implemented by previous governments, notably ballots and notice before strikes, abolition of the closed shop, secondary boycotts, and prohibition against mass picketing.

There are no export processing zones. The Employment Relations Act also extends its protection to contract and part-time workers in an attempt to close loopholes that previously allowed some employers to evade labor regulations. Foreign workers are protected to the full extent of the law.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited and is not practiced.

d. Status of Child Labor Practices and Minimum Age for Employment.—School attendance until age 16 is compulsory. Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course. Forced and bonded child labor is prohibited, and the Government effectively enforces this prohibition (see Section 6.c.). The UK ratified ILO Convention 182 on the worst forms of child labor on March 23 and ILO Convention 138 on the minimum age for employment in June.

e. Acceptable Conditions of Work.—The country's first minimum wage went into effect on April 1, 1999. As of October 1 the adult minimum wage was \$5.50 (£3.70). The youth wage was raised to \$4.75 (£3.20) on June 1, 2000.

When introduced in 1999, the new pay thresholds were expected to benefit some 1.5 million workers directly. However, according to government figures in October, nearly 300,000 workers still were paid less than the minimum wage a year after its introduction. Government departments aggressively are instructing employers that they must bring pay practices into compliance. The Board of Inland Revenue examined 7,000 employers by October and had recovered \$4 million (2.7 million pounds) on behalf of underpaid employees.

Recognizing that the national minimum wage is a new institution, the Government asked the Low Pay Commission (incorporating academics, employers, and trade unions), created in 1998, to review the standard's implementation and make recommendations by July 2001.

Currently the national minimum wage, by itself, does not provide a decent standard of living for most workers with families. But other elements of the welfare state fill the gap. Of nearly 28 million workers, some 6 million (21 percent) benefit from some social insurance scheme or another. This is in addition to free universal access to the National Health Service. The working families' tax credit and disabled person's tax credit—both implemented as of 1999—are designed to ensure a working family a weekly income of \$320 (200 pounds), which constitutes a living wage.

As of April, the Government also introduced a minimum income guarantee for low-income pensioners. This increases the basic state pension that all retired employees receive. And the Government also announced that, as of April 2001 the threshold of total personal assets will be raised to allow more low-income pensioners to avail themselves of this benefit.

The Government introduced a working time directive in 1998 to bring domestic legislation into compliance with the European Union's 48-hour workweek. New 1999 legislation significantly raised the maximum compensation level for unfair dismissal claims from \$19,200 to \$80,000 (12,000 to 50,000 pounds). Regulations from 1999 enhanced parental leave provisions for employees with more than a year's continuous service. The Human Rights Act, which came into force on October 2, 2000, added additional rights in the workplace.

The 1974 Health and Safety at Work Act stipulates that the health and safety of employees not be placed at risk. In practice the act is updated constantly. The Health and Safety Executive effectively enforces regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives ac-

tively monitor enforcement of the act. Workers can remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—No laws specifically criminalize trafficking in persons, which is a growing problem. A July Home Office report on reforming the law on sexual offences recommended the creation of a new crime of trafficking a person for the purpose of sexual exploitation. The police successfully prosecuted traffickers under other laws, such as those against procuring and living off of immoral earnings. Under the 1999 Immigration and Asylum act, persons found importing illegal immigrants can be fined \$3,600 (2,000 pounds).

A May Home Office report on trafficking in women estimated that up to 1,400 women were trafficked into the country in 1998. The report highlighted that police largely are unaware of the scale of the problem and do not treat it as a priority. The Government was considering the report's recommendations, which include the creation of a new crime category of "sexual exploitation," allowing trafficked women to sue their exploiters, and a focus on prevention campaigns in host countries.

On June 21, 58 ethnic Chinese suffocated in the back of a truck while attempting to enter the country illegally. Three persons were arrested and face trial in the UK in connection with the deaths.

UZBEKISTAN

Uzbekistan is an authoritarian state with limited civil rights. The Constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch that serves him dominate political life. First chosen president in a 1991 election that most observers considered neither free nor fair, Karimov had his stay in office extended to 2000 by a 1995 plebiscite. Parliament subsequently voted to make the extension part of Karimov's first term, thus making him eligible to run again in 2000. He was elected to a second term in January against token opposition with 92.5 percent of the vote under conditions that were neither free nor fair. The Oliy Majlis (Parliament) consists almost entirely of regional officials appointed by the President and members of parties that support the President. Despite constitutional provisions for an independent judiciary, the executive branch heavily influences the courts in both civil and criminal cases.

There is effective civilian control over the military. The Ministry of Interior (MVD) controls the police. The police and other MVD forces are responsible for most normal police functions. The National Security Service (NSS)—the former KGB—deals with a broad range of national security questions, including corruption, organized crime, and narcotics. The police and the NSS committed numerous serious human rights abuses.

The Government has stated that it is committed to a gradual transition to a free market economy. However, continuing restrictions on currency convertibility and other government measures to control economic activity have constrained economic growth and led international lending organizations to suspend or scale back credits. The economy is based primarily on agriculture and agricultural processing; the country is a major producer and exporter of cotton. It is also a major producer of gold and has substantial deposits of copper, strategic minerals, gas, and oil. The Government has made some progress in reducing inflation and the budget deficit, but government statistics understate both, while overstating economic growth. There are no reliable statistics on unemployment, which is believed to be high and growing. The Government is taking some modest steps to reduce the host of formal and informal barriers that constrain the nascent private sector.

The Government's poor human rights record worsened, and the Government continued to commit numerous serious abuses. However, there were positive human rights developments in a few areas. Citizens cannot exercise their right to change their government peacefully. The Government has not permitted the existence of an opposition party since 1993. Election and registration laws restrict the possibility that any real opposition parties form or mount a campaign. There were credible reports that security force mistreatment resulted in the deaths of several citizens in custody. Police and NSS forces tortured, beat, and harassed persons. The security forces arbitrarily arrested or detained pious Muslims and other citizens on false charges, frequently planting narcotics, weapons, or forbidden literature on them. Prison conditions are poor, and detention can be prolonged. The judiciary does not always ensure due process and often defers to the wishes of the executive branch. Parliament passed a law on judicial reform that was awaiting presidential approval at year's end. The Government also demonstrated a commitment to permitting

International Committee for the Red Cross (ICRC) access to detained persons and prisoners. Police and NSS forces infringed on citizens' privacy, including the use of illegal searches and wiretaps. Those responsible for documented abuses rarely are punished.

The crackdown that followed the explosion of five terrorist bombs in Tashkent on February 16, 1999, continued during 2000. Among those arrested and tried were persons with close links to avowed Islamist Uzbeks abroad who, the Government believes, were responsible for the bombings. However, other victims of the crackdown included members of the secular opposition, human rights activists, and thousands of overtly pious Muslims and members of Islamist political groups. While it is not possible to estimate the number of those arrested, observers believe that the scale surpasses any previous such action. The Moscow-based human rights group Memorial has documented over 1,400 cases of persons imprisoned between January 1999 and April 2000. The organization credibly estimates that the total number arrested and tried in that time frame was between 4,000 and 5,000. By year's end, well over 5,000 persons were in prison as a result of the crackdown.

The Government severely restricts freedom of speech and the press, and an atmosphere of repression stifles public criticism of the Government. Although the Constitution expressly prohibits it, press censorship continues, and the Government sharply restricts citizens' access to foreign media. A 1999 decree requires all Internet service providers to route their connections through a government server. The primary purpose of this measure, according to the Government, is to prevent access to information that the Government considers harmful. Despite the law, private Internet providers have proliferated during the year.

The Government limits freedom of assembly and association. The Government continues to ban unauthorized public meetings and demonstrations. The Government has not yet implemented a 1999 law that improves the formal legal framework for the formation, registration, and operation of nongovernmental organizations (NGO's). The Government continues to deny registration to opposition political parties as well as to other groups that might be critical of the Government. For example, the Ministry of Justice has denied repeated applications for registration of the Human Rights Society of Uzbekistan (HRSU) and the Independent Human Rights Organization of Uzbekistan (IHROU), citing technical deficiencies in the applications. Unregistered opposition parties and movements may not operate freely or publish their views. The Government restricts freedom of religion. The Government harassed and arrested hundreds of Islamic leaders and believers on questionable grounds, citing the threat of extremism. The Government tolerates the existence of minority religions but places strict limits on religious activities. Although the Government had registered over 174 minority religious communities by year's end, several others were prevented from registering by local officials. Unlike in 1999, university authorities did not expel students for wearing Islamic dress during the year.

The Government continues to voice rhetorical support for human rights, but does not ensure these rights in practice. Although the election, religion, and media laws contain elements that theoretically support human rights, in reality the Government does not respect such provisions. The Office of the Human Rights Ombudsman, which was formed in 1997, reports that it is assisting hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police. The Ombudsman's office issued reports identifying the most serious types of violations of human rights by government officials; however, most of the successfully resolved cases were relatively minor. The Government pardoned and released imprisoned human rights activist Mahbuba Kasimova at year's end.

Domestic violence against women is a problem, and despite a constitutional prohibition, there continues to be significant traditional, societal discrimination against women. The Government undertook cooperation with women's NGO's. Trafficking in women and girls for the purposes of prostitution occurs. Workplace discrimination against some minorities persists. There are some limits on worker rights.

Beginning in August, insurgents from the Islamic Movement of Uzbekistan (IMU) conducted significant armed incursions in Uzbekistan and neighboring states. Over two dozen members of the Uzbek police and armed forces were killed in the conflict as were at least 30 insurgents. During the conflict, the Government ordered the evacuation of least five villages in the Surkhandarya region near the border with Tajikistan. After spending 2 months in a temporary camp, the villagers were transferred in November to a newly constructed settlement more than 200 kilometers away, where they complained to international observers of poor conditions and abusive treatment.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political killings; however, security forces committed killings. Security force mistreatment resulted in the deaths of several prisoners in custody. According to human rights activists and other observers, many of those killed in custody were interned at a new prison near Jaslik in Karakalpakstan, where conditions were thought to be extremely harsh. Nearly all the inmates of this facility, which opened in the spring of 1999, were accused of religious extremism. Although there is specific information available on only a handful of deaths due to mistreatment in custody, human rights observers and relatives of prisoners claim that the number of such cases throughout the country during the year reached several dozen. Law enforcement officials warned families not to talk about their relatives' deaths. Government officials acknowledge that some inmates of Jaslik died, but attribute the deaths to illness and the extremely hot climate rather than mistreatment.

The country's regulations require that every death in custody be investigated by a medical examiner. In most cases, deaths apparently due to beating are ascribed to heart failure. However, in June Batirjon Karimov, a guard at a prison in Almalyk, was convicted and sentenced to 6 years in prison for beating a prisoner to death. The court convicted Karimov of Articles 103 and 104 of the Criminal Code: Driving someone to suicide and intentionally causing severe bodily harm, respectively. The victim, Akmal Latipov, who had just been brought to the prison, allegedly slashed his wrist with a razor when Karimov began to beat him, in order to escape the beating. A forensic medical examination established the cause of Latipov's death to be blows to the head inflicted by Karimov.

According to the World Organization Against Torture, Rustam Norbaev, a possible member of the political Islamic movement Hizb ut-Tahrir, was arrested on March 13 and died in pretrial detention in Yakkabaga on March 18, allegedly after being tortured. Officials claimed that Norbaev hanged himself.

Negmat Karimov, who was sentenced in July 1999 to 20 years in prison for alleged involvement in the terrorist conspiracy behind the 1999 Tashkent bombings, died in prison in Navoi on March 22. According to his parents, his body showed multiple signs of beating. Karimov also was convicted on charges related to religious extremism.

In late December, Amanullah Nosirov, a member of Hizb ut-Tahrir convicted in 1999, died in prison in Navoi. According to acquaintances of the deceased, he died of injuries sustained while being beaten. Nosirov was the brother of Haffezullah Nosirov, an alleged leader of Hizb ut-Tahrir who was convicted in March (see Sections 1.d. and 1.e.).

Hazratkul Kodirov, a former resident of a village near the Tajik border that had been evacuated during clashes with the IMU, died near the end of December, allegedly from injuries sustained during police interrogation (see Section 2.d.). (According to other residents of the village, police used beatings to force up to 39 men to confess to collaborating with the IMU.) Kodirov's brother alleged that the body bore 50 small holes and that the genital area was "destroyed." Hazratkul had given an interview to the British Broadcasting Corporation (BBC) in November deploring conditions in the resettlement camp.

Shukhrat Parpiev, who was sentenced in December 1998 to 15 years in prison, died in the Jaslik prison on May 5. According to an acquaintance, Parpiev was not religious, but had been arrested because he was seen with a known religious figure suspected of extremism. Parpiev's body allegedly was bruised badly, and had a broken clavicle, crushed skull, and broken ribs.

In an open letter to the President, 33 Tashkent residents protested the military hazing death on June 13 of Dmitriy Popov, a recruit who suffered from heart problems. Popov was allegedly beaten by senior soldiers on June 7. The HRSU commented that such deaths were not uncommon in the military. At year's end, military prosecutors were planning on bringing a criminal case against five soldiers who allegedly participated in the beating.

There were no reported politically motivated killings by the insurgent IMU, although there were casualties on both sides of the conflict. During and after the armed incursions of August and September, Uzbek military forces laid mines on the border with Tajikistan. Press reports indicate that such mines have killed at least 13 Tajik civilians. The Ministry of Defense asserts that all minefields are clearly marked and that it has informed the Tajik Government of their locations in accordance with international norms.

b. Disappearance.—There were no new reports of politically motivated disappearances.

It is widely believed that Imam Abidkhon Nazarov, missing since March 1998, fled the country to avoid arrest and was not abducted by security forces. There were no reported developments in the 1995 disappearance of Imam Abduvali Mirzaev or in the 1997 disappearance of his assistant, Nematjon Parpiev. Most independent observers believe that the two missing Islamic activists are either dead or in NSS custody.

There was one report of a person who has disappeared after being taken into custody. Bakhodir Khasanov, an instructor of French at the Alliance Francaise, was apprehended by plainclothes officers in front of witnesses on July 17. Authorities have not yet acknowledged that he is being held (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits these practices, both police and NSS routinely beat and otherwise mistreat detainees to obtain confessions, which they then used to incriminate the detainees. Both the frequency of allegations of torture and the alleged severity of the treatment increased during the reporting period.

In December Human Rights Watch (HRW) released a major report on torture in Uzbekistan that details dozens of allegations based on interviews with victims and their families. The report claimed that the number of allegations and the degree of brutality of torture were increasing. The most common torture techniques are beating, often with blunt weapons, and asphyxiation with a gas mask. There were numerous unverifiable reports of interrogators raping detainees with objects such as bottles, and of threatening to rape both detainees and their family members.

Although it is routine for police to beat confessions out of detainees, anecdotal evidence suggests that those suspected (sometimes only because of their piety) of Islamist political sympathies are treated more harshly than criminals.

According to his family, noted writer Mamadali Makhmudov, who claimed that he and five other defendants were tortured during 5 months of detention prior to his August 1999 trial, continued to suffer mistreatment in prison. Family visits to him in Jaslik prison in May and June revealed that his fingernails had been pulled out and that he was in generally very poor health. On July 4, the Interior Ministry said that Makhmudov's health was satisfactory and that he did not request medical treatment. In December acquaintances reported that Makhmudov nonetheless had been transferred to a hospital prison.

In a trial concluded in the Akmol Ikramov regional court in Tashkent on September 6, 15 members of Hizb ut-Tahrir all alleged that they had been tortured during pretrial detention. According to those attending the trial (international monitors were barred from the courtroom), the defendants alleged that guards and interrogators had used beatings and electricity, and had forced them to sign blank statements. Several alleged that guards had raped them. The defendants were sentenced to between 12 and 16 years each.

Prison conditions are poor, and worse for male than for female prisoners. Males and females are housed in separate facilities. Prison overcrowding is a problem. Human rights activists reported that the incarceration of 10 to 15 persons in cells designed for 4 is common. Tuberculosis and hepatitis are endemic in the prisons, making even short periods of incarceration potentially deadly. Reportedly there are severe shortages of food and medicines, and prisoners often rely on visits by relatives to obtain both. Brutal treatment by guards and an especially harsh and polluted desert environment were said to make conditions at Jaslik prison the worst in the country. By year's end, however, human rights observers had learned from witnesses that conditions in Jaslik had improved substantially. According to the Committee for the Legal Assistance of Prisoners, there are between 500 and 800 total inmates at Jaslik. Although the law allows all prisoners to have occasional family visitors, the remoteness of Jaslik makes such visits rare and difficult. Most of the prisoners transferred to Jaslik were convicted for their alleged participation in unauthorized Islamic groups. The Government operates labor camps, where conditions of incarceration have been reported to be less severe than in prisons.

An amnesty signed by the President on the occasion of the September 1 Independence Day, may affect up to 25,000 of the country's 63,000 prisoners, according to government press releases. The amnesty does not apply to those convicted of political crimes. While there was no official report on the number of prisoners actually released, human rights activists estimate it to be around 10,000.

The Government in December decided it would permit prison visits by human rights monitors such as the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention, or Exile.—Security forces continued to arrest and detain individuals arbitrarily, without warrant or just cause. A Soviet-era detention law provides that police may hold a person suspected of committing a crime for up to 3 days. At the end of this period, the detained person must be declared officially a suspect, charged with a crime, or released. A person officially declared a suspect

may be held for an additional 3 days before charges are filed. A prosecutor's order is required for arrests, but not for detentions, prior to the filing of charges. In practice these legal protections frequently are ignored. In some cases, police circumvent the rules by claiming that the detainee is being held as a potential witness and not as a suspect; there are no regulations concerning the length of time witnesses may be detained. A court date must be set within 15 days of arrest (or filing of charges) and the defendant may be detained during this period. A defendant may not have access to counsel while in detention but only after the first interview with an investigator. Once the trial date is set, detainees deemed not to be violent may be released on their own recognizance pending trial. No money need be posted as bond, but in such cases the accused usually must sign a pledge not to leave the city. In practice this procedure rarely is used. During the period between arrest and trial, defendants are almost always kept in pretrial detention, which has been known to last as long as 2 years.

In the March trial in Guliston of Hizb ut-Tahrir activist Haffezullah Nosirov and 11 others, the defendants were tried on average 6 months after arrest. Many claimed that authorities used the interim period to torture them into signing confessions. The trial marked the first time since June 1999 that international observers were permitted to attend a trial of accused religious extremists.

In ordinary criminal cases, the police generally are capable of identifying and arresting only those reasonably suspected of the crime. However, both the police and NSS are far less discriminating in cases involving perceived risks to national security. Prosecutors have brought charges against at least 140 persons in connection with the bombings, including at least 12 in during this year. All those tried have been convicted. Twenty of these were sentenced to death, with most reportedly already executed. Hundreds of other defendants have also been convicted of terrorism, most allegedly linked to those convicted of the bombings or other actions attributed to the IMU.

It is common government practice to violate the human rights of both immediate and extended family members of those the Government has targeted. For example, Bakhodir Khasanov, an instructor of French at the Alliance Francaise, was detained and held incommunicado in the basement of the Ministry of the Interior on July 17. This is the fourth time that authorities have detained Khasanov. The security services' interest in Khasanov apparently stems from the fact that many in the Khasanov family are pious Muslims, although Bakhodir himself has claimed that he is not especially religious. Bakhodir's father and brother are both currently imprisoned. His brother Ismail was convicted in August 1999 for alleged links to Islamic extremists and was retried on additional charges of being involved in events in Yangiabad, although those events took place while he was in prison. In November 1999, police arrested Khasanov's 70-year-old father after planting Hizb ut-Tahrir leaflets on him. He signed a confession after police forced him to watch them beating his son Ismail, and is now serving 3 years in prison.

Kamoletdin Sattarov of Andijon was convicted of anti-State activity in July after police allegedly planted two Hizb ut-Tahrir leaflets on him. His brother Muradjon was jailed in 1999 for membership in Hizb ut-Tahrir. Kamoletdin has admitted that Muradjon had gotten involved with the group but denied that he shared his brother's political or religious passions. Investigators in Kamoletdin's case found individual appeal forms of the U.N. High Commissioner for Human Rights in his home and used them as evidence against him (see Section 4).

All male members of the family of missing Imam Abidkhon Nazarov remain in jail, and allegedly are beaten periodically by interrogators trying to learn Nazarov's whereabouts. Similarly, three brothers of exiled democratic opposition leader Mohammed Solikh are imprisoned because of their family ties (see Sections 1.c. and 3).

Family members of missing Andijon Imam Abdu Kori Mirzaev reported that they were harassed and kept under constant surveillance.

According to NGO reporting, Uzbek Imam Khadji Khudjaev was arrested by Russian police in August, apparently at the request of the Uzbek Government, and was extradited to Uzbekistan in November to face charges of involvement in the February 1999 Tashkent bombings.

Police in Nukus allegedly planted drugs on a Baptist pastor in July, and held him without charge until his release in late September (see Section 2.b.).

Police routinely planted small amounts of narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes. The most frequent victims of this illegal practice have been suspected members of nonofficial Islamic organizations such as Hizb ut-Tahrir. They usually were sentenced to between 15 and 20 years in prison. The total number of those either tried and convicted or still in pretrial detention is unknown, but human rights activists contend that there

are well over 1,000 and perhaps several thousand. Many of those in detention are political detainees.

In December the Parliament passed judicial reform legislation, which, according to an international NGO that reviewed the laws, mandates notable, if incremental improvements. The reforms included modifications to the criminal justice system to make it adversarial and reduce the power of the procuracy, improvements in the appeals process to ensure greater access to the courts, and increases in the independence of the courts from the executive branch of government.

In general, the Government does not hold political detainees indefinitely, but brings them to trial eventually. Because there is no free press or public record of arrests, it is not possible to determine the number of detainees awaiting trial. Estimates by human rights activists are usually in the range of several thousand.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judicial authority; however, the judicial branch takes its direction from the executive branch and has little independence in practice. Under the Constitution, the President appoints all judges for 5-year terms. They may be removed for crimes or failure to fulfill their obligations. Power to remove judges rests with the President, except for Supreme Court judges, whose removal also must be confirmed by Parliament.

The system of courts of general jurisdiction is divided into three tiers: District courts, regional courts, and the Supreme Court. In addition a Constitutional Court is charged with reviewing laws, decrees, and judicial decisions to ensure their compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. There is a system of economic courts on the regional level that deals with economic cases between judicial and legal entities.

Decisions of district and regional courts of general jurisdiction may be appealed to the next level within 10 days of ruling. The Criminal Code has reduced the list of crimes punishable by death to murder, espionage, and treason, eliminating the economic crimes that were punishable by death in the former Soviet code. Officially, most court cases are open to the public but may be closed in exceptional cases, such as those involving state secrets, rape, or young defendants. However, except for the first trial in June 1999, all trials of those suspected of involvement in the February 16 terrorist bombings were closed to international observers and the public on security grounds. In similar fashion, many trials of alleged Islamic extremists have been closed. International trial monitors or foreign diplomats only rarely are permitted to observe court proceedings.

State prosecutors play a decisive role in the criminal justice system. They order arrests, direct investigations, prepare criminal cases, and recommend sentences. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. There is no protection against double jeopardy. Judges whose decisions have been overturned on more than one occasion may be removed from office. Consequently, judges rarely defy the recommendations of prosecutors. As a result, defendants usually are found guilty.

The Government still uses the Soviet practice of trial by a panel of three judges: one professional judge and two lay assessors who serve 5-year terms and are selected from workers' collectives. The judge presides and directs the proceedings. However, in practice, judges often defer to the Government and its prosecutors on legal and other matters. Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The State provides legal counsel without charge, but by law the accused also has the right to hire an attorney. In practice the right to an attorney often is violated and there are numerous examples of denial of this right.

In a March trial of 48 alleged members of Hizb ut-Tahrir in Termez, the judge allegedly appointed the police investigator who developed the prosecution's case as the defense attorney for six of the defendants. Police allegedly tortured detained Imam Abduvakhid Yuldashhev on at least two occasions in August and September, to force him to sign statements refusing the services of defense attorneys.

The Government typically held unannounced trials of large groups of those alleged to be extremists, and rarely let international observers attend. Human rights observers contended that these groupings of defendants were arbitrary, since the prosecution only occasionally argued that those on trial actually were connected to one another. Defendants often claimed that the confessions on which the prosecution typically based its cases were extracted by torture. Judges ignored these claims and invariably convicted the accused, handing down severe sentences—usually from 15 to 20 years' imprisonment. Torture and mistreatment of detainees are explicitly outlawed. Lawyers may, and occasionally do, call on judges to reject confessions thus extracted and to investigate claims of such treatment. There has been no report of a judge opening an investigation into claims of torture.

In one such trial that ended on April 14 in Tashkent, 12 defendants were convicted of anti-State activity, belonging to illegal groups, and other charges. Two of the defendants were sentenced to 20 years, and eight more to 17 years. One defendant, Abdulaziz Mavlianov, an employee of the Tashkent office of the ICRC, allegedly confessed only to having given about \$15 (10,000 soum) and some publicly available information to the main defendant, alleged Islamist activist Toirjon Abdusamatov. At his trial, Mavlianov renounced that confession, which he had never signed. Despite the relatively innocuous nature of the alleged activities that led to his conviction, he was sentenced to 17 years in prison.

In practice most defense lawyers are unskilled at defending their clients. Courts often do not allow all defense witnesses to be heard, and written documents are given more weight than courtroom witnesses. In the March trial of Haffezullah Nosirov and 10 other alleged members of Hizb ut-Tahrir, defendants were convicted in part on the basis of written testimony from Bakhrom Abdullaev, an alleged terrorist who reportedly had been executed in January. Furthermore, the judge in the case refused the defense's request to question the other (living) witnesses whose written statements formed the remainder of the prosecution's case. In his retrial, Sattarov was sentenced to 10 years in prison, which was 1 year more than his original sentence.

In November the Government staged a trial of 12 alleged conspirators in the 1999 Tashkent bombings, 9 of whom were being tried in absentia. Since the court made no formal effort to notify the defendants directly of the charges against them, the proceedings violated the International Convention on Civil and Political rights. Although the State appointed lawyers for the missing defendants, they put up only a token defense, lasting less than 3 hours after a 2-week prosecution case. Several of the lawyers stated openly that they were unable to defend their clients because they had no opportunity to consult with them. Two of the absent defendants, IMU leaders Tohir Yuldashev and Jumaboy Khojiev (a.k.a. Juma Namangani), were sentenced to death. Other defendants received sentences of between 12 and 20 years in prison.

The Constitution provides a right of appeal to those convicted; however, such proceedings usually are formalistic exercises that confirm the original conviction. For example, the appeal of Imam Abdurakhim Abdurakhmanov on August 8 lasted only 20 minutes, and the judge did not permit testimony. Abdurakhmanov, who had been sentenced to 17 years in prison and reportedly was subjected to torture prior to trial, was not allowed to be present at the appeal. However, a judge in the Andijon regional court, after hearing an appeal in August, ordered a retrial of Kamoletdin Sattarov, on the grounds that he was not represented properly at the original trial earlier that month.

Authorities arrested and tried unfairly relatives of suspects and members of opposition groups (see Sections 1.d. and 3).

In April the Moscow-based human rights organization Memorial published a list of over 1,400 individuals arrested and convicted for political and religious reasons from January 1999 to April 2000 (see Section 2.c.). The organization credibly estimates that, including those it can document, a total of between 4,000 and 5,000 such persons have been imprisoned. While most were convicted of conspiracy against the constitutional order, many were convicted of nonpolitical offenses such as tax evasion, misappropriation of funds, or illegal possession of narcotics or firearms. It is widely believed that in the latter cases, arresting officers planted the incriminating materials.

On September 5, the Chairman of the Supreme Court claimed that there were 2,000 persons in jail for crimes against the State. At the same news conference and again the following day, the Minister of Justice explicitly rejected the notion that these or any other prisoners could be classified as "political," on the grounds that all had been tried and convicted of crimes. However, the fact that nearly all convictions are based on forced confessions makes it impossible to determine what percentage of those convicted actually violated the law. Moreover, the alleged "crimes," as interpreted by the courts, encompass criticism of the Government and possession of religious beliefs that the Government defines as extremist. Therefore, most of those convicted of crimes against the State are political prisoners.

In December the Government proposed a draft agreement with the ICRC allowing the ICRC access to all prisoners. The draft agreement was modeled after the ICRC's own proposals and met all ICRC conditions for undertaking a program of prison visits.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Authorities infringe on these rights. By law only a prosecutor may issue a search warrant or authorize electronic surveillance. There is no provision for a judicial review of such warrants. Security agencies routinely monitor telephone calls and employ sur-

veillance and wiretaps in the cases of persons involved in opposition political activities.

A Law on Freedom of Conscience and Religious Organizations and other legislation (see Section 2.c.) prohibits private teaching of religion. Students who in 1997 and 1998 were expelled from schools for wearing religious dress were not allowed to reenroll in 2000 (see Section 2.c.). Unlike in 1999, students were not arrested for wearing religious dress during this year.

Police arrested, detained, and beat family members of suspects that they were seeking (see Sections 1.c and 1.d.). Authorities also frequently forced relatives of alleged religious extremists to undergo public humiliation at neighborhood assemblies organized for that purpose. For example, the mother of IMU leader Juma Namangani was summoned to a school auditorium in late August where an assembly of neighbors confronted her. Relatives of soldiers killed in the insurgency insulted her and smeared her face with black paint. Local leaders shamed her for bringing Namangani into the world until she tearfully apologized and cursed her son.

Both the wife and mother of missing Imam Abidkhon Nazarov were forced to undergo similar public humiliation in February and March.

The Government does not allow general distribution of foreign newspapers and other publications. However, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications are available. A modest selection of other foreign periodicals is available in Tashkent's major hotels, and authorized groups can obtain foreign periodicals through subscription. The authorities do not permit rebroadcast of Russian programming that is critical of the Government (see Section 2.a.).

In May postal authorities confiscated a package addressed to human rights activist Mikhail Ardzinov. The package contained documents from a Moscow human rights conference as well as copies of the Erk Party newspaper. In the notice sent to Ardzinov, authorities claimed that the material was confiscated on the basis of a statute prohibiting the mailing of items of artistic or cultural significance.

In March police confiscated six copies of the Uzbekistan chapter of the 1999 HRW World Report from a HRW representative who was observing the trial of the 12 men on trial for membership in Hizb ut-Tahrir (see Section 1.d.). According to an international NGO, the presiding judge at the trial characterized the distribution of the report as the clandestine distribution of leaflets. In November customs authorities confiscated several copies of the journal of the unregistered Birlik Democratic Movement that had been mailed to a private citizen. Customs claimed that the material was illegal and anticonstitutional. In the same month, Customs opened mail sent from HRW's New York office to its Tashkent office and confiscated several copies of a published list of political and religious prisoners in Uzbekistan compiled by the Moscow-based human rights organization Memorial. In explaining the confiscation, a representative of the Ministry of Foreign Affairs told HRW that it took issue with the content of the Memorial report.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for “freedom of thought, speech, and convictions”; however the Government continues to restrict these rights severely.

A 1991 law against “offending the honor and dignity of the President” limits the ability to criticize the President. Ordinary citizens remain afraid to express views critical of the President and the Government in public. The 1998 Mass Media law formally provides for freedom of expression, protects the rights of journalists, and reiterates the constitutional ban on censorship. Nonetheless, several articles of the law, and the lack of due process provided for in their implementation, allow the Government to use the law to silence critics. The law established an interdepartmental government commission which issues licenses to approved media outlets. In May a new law changed the term of validity of these licenses from 1 year to 5 years, a move welcomed by those in the media. The interdepartmental commission is empowered to revoke licenses and close media outlets without a court judgment.

According to the Mass Media Law, journalists are responsible for the accuracy of the information contained in their news stories, potentially subjecting them to prosecution. The law prohibits stories that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see Section 2.b.).

The Constitution prohibits censorship; however, it is widely practiced and the Government tolerates little, if any, criticism of its actions. The last opposition newspaper to be published was that of the Erk Democratic Party, which has been banned within the country since 1993 but is published sporadically abroad.

There are no private publishing houses, and government approval is required for all publications. Newspapers are generally printed by state-owned printing houses, which refuse to print any edition that does not bear the prior approval of the Committee for the Protection of State Secrets. In these circumstances, journalists who want to ensure that their work is published practice self-censorship.

In April authorities closed an independent Urgench newspaper, Panorama (circulation 500). Panorama's publisher, Konstantin Aksianov, had purchased his own presses and thus was able to produce and distribute the newspaper without censorship by the Committee for the Protection of State Secrets. However, private printing presses require licenses and in April, the State Press Committee, without explanation, revoked Panorama's license to print and warned other printers not to print the newspaper.

Information remains very tightly controlled. The Uzbekistan Information Agency cooperates closely with the presidential staff to prepare and distribute all officially sanctioned news and information. Nearly all newspapers are organs of government ministries. Private persons and journalist collectives may not establish newspapers unless they meet the media law's standards for establishment of a "mass media organ," including founders acceptable to the Government. A handful of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content, are allowed to operate without censorship. Limited numbers of foreign periodicals are available (see Section 1.f.).

Four state-run channels that fully support the Government and its policies dominate television broadcasting. A cable television joint venture between the state broadcasting company and a foreign company broadcasts the Hong Kong-based Star television channels, including the BBC, Deutsche Welle, and Cable News Network world news, to Tashkent and a few other locations. Access to cable television is beyond the financial means of most citizens.

There are between 30 and 40 privately owned local television stations and 3 privately owned radio stations. Generally, broadcasters practice self-censorship and enjoy some leeway in reporting critically on local government.

The interdepartmental commission closed two television stations in 1999. One of them was allowed to reopen in 2000. Officials claimed that the stations did not meet technical requirements for relicensing and that there was no political element to the closings. Foreign observers noted that the two were among the most independent in the country and interpreted the closings as a warning to other broadcasters to be careful of their content. Shukhrat Babajanov, the owner of ALC, a station in Urgench that has been prohibited from reopening, unsuccessfully sued the Government in February for damages resulting from the station's closing. He appealed and lost again in March. ALC had also lost its registration temporarily in 1997, allegedly for technical violations of regulations. It was believed widely at the time that the real reason for the 1997 closure was that the owner had been a member of the Erk political party in the early 1990s. Babajanov and his former employees were subjected to harassment and veiled threats by police during the summer.

As these cases illustrate, enforcement of the registration and licensing requirements can be strict, and the Government's implementation of the media law does not function smoothly. Because the registration committee meets irregularly and because the annual re-registration requirement has only recently been revised, up to one half of independent television stations have been forced to operate with expired licenses, making them vulnerable to a government shut down. During the 1999 election season, owners reportedly believed that the Government was intentionally delaying re-registration in order to ensure that the stations broadcast nothing unfavorable. However, in 2000 most owners reported that tensions between them and the Government eased substantially.

Private radio and television broadcasters formed an independent professional association in 1998. The association resisted both generous incentives and heavy pressure from the Government to elect the Government's candidate as chairman. Government officials openly threatened members of the group and the opposition candidate who was elected. Since that time, the Government has arbitrarily denied the group's registration application on seven occasions, three during the last year. In one unsuccessful effort to win registration, the association even changed its name from ANESMI to MEDIA. Ministry of Justice officials reportedly advised the group privately that it never would be registered. The lack of registration effectively restricts MEDIA's ability to attract international funding and operate legally.

Radio Free Europe/Radio Liberty and the Voice of America are not permitted to broadcast from within the country, despite the Government's 1992 contractual agreement to allow this activity. The Government allows both organizations to have correspondents in the country. The BBC World Service was required to broadcast on a very low FM frequency that most radios would not be able to receive, and then

only after the BBC had agreed on paper to restrictions amounting to self-censorship. (However, observers agree that there is no evidence that the BBC actually engages in self-censorship.) The World Service is permitted to broadcast only 2 hours per day: Two 30-minute broadcasts per day in Uzbek, and two 30-minute broadcasts per day in Russian, 7 days a week.

Since February 1999, all Internet service providers have been required to route their connections through a state-run server. The avowed main purpose of this directive was to prevent the transmission of what the State considers to be harmful information, including material advocating or facilitating terrorism, material deemed hostile to the constitutional order, and pornography. By year's end, the Government had re-routed all but one provider, but did not yet possess the equipment and expertise necessary to complete implementation of the decree. The Government has issued regulations and taken technical steps to filter access to content that it considers objectionable. Despite these restrictions, the availability of Internet access has expanded as the number of service providers and Internet cafes have grown.

The Government has granted academic institutions a degree of autonomy, but freedom of expression still is limited.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly; however, it also states that the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds, and in practice the Government restricted the right of peaceful assembly. The Government must approve demonstrations but does not grant permits to demonstrators routinely. In November 1999, a group of 30 to 40 veiled Muslim women gathered in front of the office of the Tashkent hokim (local governor) to protest the incarceration of their relatives. The police ordered them to disperse after refusing their request to meet with the hokim. Some members of the group report that they have been under intermittent surveillance since that time. In August shopkeepers at a Tashkent bazaar spontaneously took to the streets to protest a rise in rental fees set by the Government. Police responded to contain the crowd, but no violence was reported.

The Constitution provides for the right of freedom of association; however the Government restricts the exercise of this right. The Government refuses to register opposition political parties and movements. The Constitution places broad limitations on the types of groups that may form and requires that all organizations be registered formally with the Government in accordance with procedures prescribed by law. A 1996 analysis by foreign legal observers concluded that, while the Law on Political Parties provides theoretical protections for minority parties and permits a wide range of fund raising, it also gives the Ministry of Justice broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government. There are no registered opposition parties (see Section 3).

In the early 1990's, the Government repeatedly denied the attempts by the Birlik Movement and Erk Party to register. Harassment by security forces drove the leaders of these organizations into voluntary exile. These organizations made no attempt to register during the year, reportedly because their remaining adherents were afraid of government reprisals.

The Constitution and a 1991 amendment to the law on political parties ban parties of an ethnic or religious nature. Authorities cited these statutes in denying registration to the Islamic Renaissance Party (IRP) in 1992. In the early 1990's, opposition activists announced the formation of the religious Adolat-True Path Party but never pursued formal registration, claiming that their members were afraid of government reprisals. Leaders and members of these parties, denied a voice in the political process and forced to flee repression, now form the core of the IMU, which launched an armed insurgency in Uzbekistan and neighboring countries during the year.

The Law on Public Associations as well as the Law on Political Parties prohibits registration of organizations whose purpose includes subverting or overthrowing the constitutional order, as well as organizations whose names already are registered. In the past, officials have used the latter provision to block human rights NGO's and independent political parties from registering by creating another NGO or party with the identical name.

The Government has refused to register the two principal independent human rights organizations. The Human Rights Society of Uzbekistan sought registration unsuccessfully four times between 1992 and 1996. During the year, authorities refused to approve a visa to permit the HRSU's leader-in-exile to return to the country and to preside over a new founding convention, the required first step for a new registration application. In April authorities refused permission for the HRSU to host an international human rights conference in Tashkent (see Section 4).

The Independent Human Rights Organization of Uzbekistan (IHROU), headed by longtime human rights activist Mikhail Ardzinov, held its founding convention and filed registration papers in 1997, but the Government has not yet formally approved or denied the application. In both cases, the Government claims that the registration applications were not made properly and need to be resubmitted. Neither the HRSU nor the IHROU resubmitted applications during the year; there was no indication that they would be registered. The Government's repeated refusals to register these organizations appear politically motivated. The Government has approved the registration of only one human rights NGO, the Committee for Protection of Individual Rights, which was formed with government support in 1996.

The process for government registration of NGO's and other public associations is also difficult and time-consuming, with many opportunities for obstruction. Although unregistered organizations often can disseminate literature, hold meetings, and use letterhead stationery without government interference, they do not exist as legal entities and have no real access to the media or government.

A law on nongovernmental, noncommercial organizations passed in April 1999 provides a relatively benign legal framework for their registration and functioning. In particular the requirements for registration are simpler than they had been under previous legislation. However, the law contains several vaguely worded provisions that, in practice, may result in arbitrary enforcement of decisions harmful to NGO's. The real effect of the law depends on the implementing regulations, which had not yet been promulgated more than 1.5 years after passage of the law.

Nonpolitical associations and social organizations usually may register, although complicated rules and a cumbersome government bureaucracy often make the process difficult. Some evangelical Christian churches (see Section 2.c.) found it difficult to obtain registration.

c. Freedom of Religion.—The Constitution provides for freedom of religion and for the principle of separation of church and state; however, in practice the Government only partially respects these rights. The Government perceives unofficial Islamic activity as an extremist security threat and outlaws it. During the year, the Government arrested hundreds if not thousands of members of such groups and sentenced them to between 15 and 20 years in jail. The Government permits persons affiliated with mainstream religions, including approved Muslim groups, Jewish groups, the Russian Orthodox Church, and various other denominations, such as Catholics and Lutherans, to worship freely and generally registers more recently arrived religions. However, the religion law forbids or severely restricts activities such as proselytizing and importing and disseminating religious literature.

The Government is secular and there is no official state religion. Although the laws treat all religious confessions equally, the Government shows its support for the country's Muslim heritage by funding an Islamic university and subsidizing citizens' participation in the Hajj. The Government promotes a moderate version of Islam through the control and financing of the Spiritual Directorate for Muslims (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and the volume and substance of published Islamic materials.

In May 1998, the Parliament passed two laws that restrict religious activity. The Law on Freedom of Conscience and Religious Organizations provides for freedom of worship, freedom from religious persecution, separation of church and state, and the right to establish schools and train clergy. However, the law also severely limits religious activity. It restricts religious rights that are judged to be in conflict with national security, prohibits proselytizing, bans religious subjects in public schools, prohibits private teaching of religious principles, forbids the wearing of religious clothing in public by anyone other than clerics, and requires religious groups to obtain a license to publish or distribute materials.

The second legislative change enacted in May 1998 consisted of a series of revisions to the Criminal and Civil Codes that stiffened the penalties for violating the religion law and other statutes on religious activities. It provided for punishments for activities such as organizing a banned religious group, persuading others to join such a group, and drawing minors into a religious organization without the permission of their parents.

The Criminal Code was amended again in May 1999 with two changes that affected religious freedom. The changes draw a distinction between "illegal" groups, which are those that are not registered properly, and "prohibited" groups, which are banned altogether. The first measure makes it a criminal offense punishable by up to 5 years in prison to organize an illegal religious group or to resume the activities of such a group (presumably after being denied registration or being ordered to disband). Furthermore, the measure punishes any participation in such a group by up to 3 years in prison. The second measure sets out penalties of up to 20 years in prison and confiscation of property for "organizing or participating" in the activities

of religious extremist, fundamentalist, separatist, or other prohibited groups. In practice, the courts ignore the theoretical distinction and frequently convict members of disapproved Muslim groups under both statutes.

The Religion Law requires all religious groups and congregations to register and provides strict and burdensome criteria for their registration. In particular it stipulates that each group present a list of at least 100 Uzbek citizen members (compared with the previous minimum of 10) to the local branches of the Ministry of Justice. This provision enables the Government to ban any group simply by denying its registration petition. Government officials designed the law to target Muslims who worship outside the system of state-organized mosques. A special commission created in August 1998 may grant exemptions to the religious law's strict requirements and register groups that have not been registered by local officials. The commission has granted exemptions to 51 such groups, including congregations with fewer than 100 Uzbek members. However, no formal procedures or criteria have been established to bring a case before this commission.

In a February 29 roundtable on religious freedom, Government officials (from the Committee on Religious Affairs, Parliament, and the National Center for Human Rights) called for clarifications that would bring religion law and practice into line with the International Covenant on Civil and Political Rights, and on May 25 President Karimov suggested that the Parliament consider improvements to the religion law. However, no action was taken by year's end.

In August an expert from the U.N. Committee on the Elimination of Racial Discrimination noted the serious restrictions on freedom of religion in Uzbekistan, targeting primarily Muslims worshipping outside the state-organized mosques.

Christian churches generally are tolerated as long as they do not attempt to win converts among ethnic Uzbeks. Christians who are ethnic Uzbeks are secretive about their faith and rarely attempt to register their organizations. Christian congregations that are of mixed ethnic background are reluctant to list their Uzbek members on registration lists due to fear of incurring official displeasure. Since the law prohibits participation in unregistered groups, some minority churches have not submitted registration applications because they know that they are unable to comply with the law's requirements and prefer not to identify themselves to the authorities. Although church leaders cite high registration fees and the 100-member rule as obstacles to registration, the most frequent problem is the lack of an approved legal address, which is required in order to submit an application. Some groups have been reluctant to invest in the purchase of a property without assurance that the registration would be approved. Others claim that local officials arbitrarily withhold approval of the addresses because they oppose the existence of Christian churches with ethnic Uzbek members.

In August 1999, the central Government undertook to register minority religious groups whose applications had been blocked by local officials. Twenty churches received their registration immediately, and most new applications since that time have been approved; however, there have been exceptions. A Baptist congregation in Gazalkent attempted to register unsuccessfully throughout the year. Representatives of the group claimed that local officials were blocking its registration. The deputy mayor of Gazalkent allegedly told church leaders at one point that its application might be approved if it removed from its membership list all names of ethnic Uzbek origin. Another Baptist congregation in Guliston was denied registration in December ostensibly on the grounds that its proposed church was in a residential area. Although two Jehovah's Witness congregations are registered, eight others that have attempted to register during the last year were unsuccessful. Church officials believe that the fact that many members of these groups are Uzbek nationals is at the root of the bureaucratic obstructionism that they are facing. The Committee on Religious Affairs (CRA) denied the Greater Grace Christian Church of Samarkand permission to have a Finnish, rather than Uzbek, pastor. The church's application for registration was therefore blocked until this issue is resolved. The Tashkent International Protestant Church was denied registration because its members were not Uzbek citizens. However, the CRA gave permission for the church to meet and hold services. The church has appealed to the Presidential Commission on the Implementation of the Religion Law, which has authority to grant exceptions to the requirements of the law. By year's end, the Commission had not met.

At year's end, the Government had registered 1,979 religious congregations and organizations, 1,805 of which were Muslim. The 174 registered minority religious groups include 47 Korean Christian, 32 Russian Orthodox, 30 Pentecostal ("full gospel"), 23 Baptist, 10 Seventh-Day Adventist, 8 Jewish (1 Ashkenazy, 6 Bukharan, 1 mixed), 7 Baha'i, 4 Lutheran, 3 Roman Catholic, 2 Jehovah's Witnesses, and 2 Krishna Consciousness groups. Several of these congregations had fewer than the required 100 members but received exemptions from the requirement. An additional

335 applications had been denied, 323 of which were from Muslim groups. The number of mosques has increased significantly from the 80 or so permitted in the entire Soviet Union to 1,800 registered currently, but has decreased from the 4,000 or more that opened after the country gained independence and before registration procedures were in place.

Authorities tolerate many Christian evangelical groups, but often harass those that openly try to convert Muslims to Christianity. Police occasionally have broken up meetings of unregistered groups. Leaders of such groups have been assessed fines or even imprisoned. In August police allegedly detained a group of unregistered Baptists meeting in a private apartment in Chirchik for 2 days, during which police allegedly beat them. After a similar incident in October 1999 in Karshi, the Committee on Religious Affairs claimed that it took steps to ensure that police allow such Baptist congregations, which consider registration to be inconsistent with their religious beliefs, to meet undisturbed for worship.

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hoods were not joining independent Islamic groups. The committees identified for police those residents who appeared suspicious. In an interview with the Associated Press in September, an official of the Committee on Religious Affairs said that the mahallas had identified 10,700 persons with extremist tendencies. Asked how mahalla officials know who is an extremist, the official replied "you can see it in their eyes." Human rights observers noted that in practice the committees often perceived as suspicious those same individuals who already had been detained by the police in the wake of either the 1997 murders of officials in Namangan or the 1999 Tashkent bombings, and who subsequently had been released because there was no evidence against them. There were dozens of cases involving persons who previously had been detained and released who were rearrested and tried during the year.

The absence of a free press and the rarity of public trials make it impossible to determine how many persons have been incarcerated. Nonetheless, the Moscow-based human rights organization, Memorial, has compiled a list of over 1,400 documented cases of persons allegedly imprisoned for political and religious reasons from January 1999 to April 2000 (see Section 1.e.). Memorial estimated that the total number of such prisoners was between 4,000 and 5,000. Human Rights observers estimate credibly that from 30 to 50 persons were convicted for alleged Islamic extremism each week during the reporting period. The number of those in pretrial detention is unknown but is probably several hundred. Nearly all those listed were accused of being Muslim extremists. By the end of June of this year, the Government had convicted 128 persons for direct involvement in the bombing plot. Of these, at least 18 received death sentences, most of which reportedly have been carried out.

Pavlonazar Khodjaev was sentenced to death in May for allegedly having links to the IMU and helping plan a terrorist action near Yangiabad. Khodjaev's father had been imprisoned in 1999, according to human rights activists, because of his refusal to divulge to authorities the whereabouts of Pavlonazar and another of his sons. The elder Khodjaev was beaten to death in Jaslik prison in July 1999.

Abdurakhim Abdurakhmanov, an independent Tashkent imam and follower of Imam Nazarov, was arrested on or about April 27. The Government held him incommunicado and did not inform his family of his whereabouts. Abdurakhmanov had been fired from his job as leader of the Kokoldash Madrassa in 1996 and was arrested, severely beaten, and imprisoned briefly in 1998 after police claimed to have found narcotics and a false passport on him. After the recent arrest, officials questioned his wife and sister-in-law, accusing them of Wahhabism. He was convicted in July and sentenced to 17 years in prison. At his trial he claimed that he was tortured.

A leading independent Muslim cleric, Imam Abidkhon Nazarov, has been missing since March 1998, when dozens of police and security agents raided and searched his home. Although his family claims that the security services abducted him, the Government and many observers believe that he fled to avoid arrest.

There was one new development in the October 1999 release of leading Islamic figure Imam Abduvakhid Yuldashev, who was rearrested on July 23. Since his arrest he allegedly has been mistreated severely. He was held incommunicado for some 6 months and was twice beaten into signing documents refusing counsel. Another Islamic activist, Abdurauf Gafurov, remains free after his 1999 release.

There were no reported developments in the 1995 disappearance of Imam Abduvali Kori Mirzaev or the 1997 disappearance of his assistant, Nematjon Parpiev; or the 1992 disappearance of Abdullah Utaev, leader of the outlawed Islamic Renaissance Party.

Several persons arrested for religious reasons apparently died from mistreatment in custody (see section 1.a.).

Students who in 1997 and 1998 were expelled from schools for wearing religious dress were not allowed to re-enroll in 2000 (see Section 1.f.).

Synagogues function openly; Hebrew education (long banned under the Soviets), Jewish cultural events, and the publication of a community newspaper take place undisturbed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for free movement within the country and across its borders, and the Government generally respected these rights; however, at times it limited this right. Citizens must have permission from local authorities in order to resettle in a new city. The Government rarely grants this permission to those who wish to move to Tashkent. The Government requires citizens to obtain exit visas for foreign travel or emigration, but grants these permits routinely. All citizens have a right to a passport, and the Government does not restrict this right. The new passports serve as both internal identity cards and, when properly certified, as external passports. Every citizen must carry such a document when trav-

eling inside or outside the country. Police occasionally confiscate these documents, severely restricting a person's right to travel.

Movement within the country of foreigners with valid visas generally is unrestricted. However, in mid-year, mountainous regions in the South and East of the country were closed to traffic because of the IMU insurgency. Visitors require special permission to travel to certain areas, such as Termez, on the Afghan border.

Several Uzbek human rights activists were able to leave and reenter the country without encountering problems from the Government. The Government has not returned the passport of human rights activist Mikhail Ardzinov which police had confiscated in June of 1999. This restricted his freedom of movement within the country and prevented him from attending international conferences.

The law on citizenship stipulates that citizens do not lose their citizenship if they reside overseas. However, since Uzbekistan does not provide for dual citizenship, those acquiring other citizenship lose Uzbek citizenship. In practice the burden is on returning individuals to prove to authorities that they have not acquired foreign citizenship while abroad. There were reports during the year that some ethnic Russians attempting to return after residing abroad were denied residence permits and new passports.

There is no law concerning the rights of refugees and asylum seekers, and the Government does not recognize the right of first asylum. The Government does not adhere to the 1951 Convention Relating to the Protection of Refugees and its 1967 Protocol. The Government considers asylum seekers from Tajikistan and Afghanistan to be economic migrants, and such individuals are subject to harassment and bribe demands when seeking to regularize their status. They may be deported if their residency documents are not in order. However, the Government agreed in August 1999 that it would not force those who have received U.N. High Commissioner for Refugees (UNHCR) mandate refugee status to leave the country. The UNHCR reports that the policy appears to be working, and that police rarely harass mandate refugees.

The population includes ethnic Koreans, Meskhetian Turks, Germans, Greeks, and Crimean Tartars deported to Central Asia by Stalin during World War II. These groups enjoy the same rights as other citizens. Although they are free to return to their ancestral homelands, absorption problems in those countries have slowed that return. Although there are no official statistics, observers including the UNHCR estimate that there are 30,000 Tajik and 8,000 Afghan refugees in the country. As of December 31, there were 1,351 UNHCR mandate refugees, with roughly 450 cases pending decision. According to the UNHCR there were no cases of forced repatriation of persons to a country where they feared persecution.

During the August conflict with the IMU, the Government ordered the evacuation of at least five villages in the Surkhandarya region near the border with Tajikistan. After spending 2 months in a temporary camp, the villagers were transferred in November to a newly constructed settlement over 200 kilometers away. Conditions in the settlement are reportedly extremely poor and residents are suffering from a shortage of food. Several of the residents have told international observers that police have detained and beaten most of the men in an effort to find those who may have collaborated with the IMU. Estimates of the number in police detention at year's end ranged from 39 to over 120. One resident, Hazratkul Kodirov, died in late December, according to his brother, from injuries sustained during interrogation (see Section 1.a.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

While the Constitution provides for this right, in reality citizens cannot change their government through peaceful and democratic means. The Government severely represses opposition groups and individuals and applies strict limits on freedom of expression. No opposition groups participated in government or were allowed to function legally.

The Government is highly centralized and is ruled by a strong presidency. President Karimov, formerly the first secretary of the Communist Party in Uzbekistan under Soviet rule, was elected in a limited multicandidate election in 1991. A 1995 Sovietstyle referendum and subsequent parliamentary decision extended Karimov's first term until 2000. He was reelected in January to a second term with 92.5 percent of the vote. Karimov's opponent, Abdulhafiz Jalalov ran a token campaign, and admitted on election day that he himself had voted for Karimov. The Organization for Security and Cooperation in Europe (OSCE) declined to monitor the presidential election on the grounds that the preconditions did not exist for it to be free and fair.

President Karimov and the executive branch retain control through sweeping decree powers, primary authority for drafting legislation, and control of virtually all government appointments, most aspects of the economy, and the security forces.

Most government officials are members of the People's Democratic Party of Uzbekistan (PDP), formerly the Communist Party and still the country's largest party. However, the party as such does not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996. There are four other parties; however, these were created with government assistance and are loyal to President Karimov. All five parties participated in the December 1999 elections to the Oliy Majlis, during which 93 percent of the electorate reportedly cast their vote. However, parties that competed in the parliamentary elections, as well as the numerous independent candidates, were congenial to the Government and did not represent a real choice for voters.

Because the voters lacked a choice, the OSCE and many international observers concluded that the December 1999 legislative elections fell short of adherence to accepted standards of free and fair elections. Local and regional hokims (governors)—who are appointed by the president—exerted a strong influence on the selection of candidates and the conduct of campaigns. Nearly half (110 out of 250) of those elected were not from party lists but were either hokims themselves or were nominated by the hokims' local assemblies. Only 16 of the 250 winning candidates had been nominated by citizens' initiative groups. These candidates generally were allowed on the ballot only if the hokims approved them.

The Oliy Majlis is constitutionally the highest government body. In practice, despite assistance efforts by international donors to upgrade its ability to draft laws independently, its main purpose is to confirm laws and other decisions drafted by the executive branch rather than to initiate legislation.

New laws governing the conduct of parliamentary and presidential elections, as well as a law creating a Central Election Commission, came into effect in 1998. These laws, combined with the 1997 law on political parties, make it extremely difficult for opposition parties to come into being, to nominate candidates, and to campaign. The procedures to register a candidate are burdensome and the Central Election Commission has authority to deny registration. For example, a presidential candidate is prohibited from campaigning before being registered, but must present a list of 150,000 signatures in order to be registered. The Central Election Commission must deny registration of presidential candidates who are found to "harm the health and morality of the people." The 1998 statutes deleted a previous provision allowing recourse to the Supreme Court to candidates whose parties are denied registration. The Ministry of Justice has the right to suspend parties for up to 6 months without a court order.

Citizens initiative groups of 100 members or more may nominate candidates to the Parliament by submitting signatures of at least 8 percent of the voters in the electoral district. Other interest groups are forbidden from participating in campaigns and candidates may meet with voters only in forums organized by precinct election commissions. The 1998 laws repeal the right of parties to fund their candidates' campaigns directly. Instead, parties must turn over all campaign money to the Central Election Commission, which then distributes the funds equally among the candidates. Only the Central Election Commission may prepare and release presidential campaign posters. In August 1999, the Parliament enacted minor modifications to the election laws, but these have had little practical effect.

According to the Law on Political Parties, judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons (among others) cannot join political parties. By law the Government prohibits formation of parties based on religion or nationality; those that oppose the sovereignty, integrity and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility. Political organizations that seek to overthrow the Government, or sow national or racial hatred, are prohibited. Moreover, the Government has refused to register democratic political opposition organizations. Membership in unregistered political organizations is not forbidden officially, but membership in unregistered organizations with a prohibited goal or premise is forbidden.

The Government continues to persecute members of unregistered, political opposition groups using such methods as arbitrary arrest, conviction on falsified charges, surveillance, and loss of employment. The leaders of the two largest unregistered opposition groups in the country—Mohammed Solikh of the Erk Democratic Party and Abdurakhim Polat of the Birlik Democratic Movement—were forced into exile in the early 1990's. After the February 1999 Tashkent bombings, persecution of members of these groups intensified. The Government repeatedly has accused Erk leader Solikh, who ran against Karimov for the presidency in 1992, of being a leader

of the terrorist plot behind the bombings. Solikh was 1 of the 9 defendants-in-absentia in the November show trial of 12 alleged bombing conspirators. He was convicted and sentenced to 15.5 years in prison. Two of Solikh's brothers (Rashid and Muhammed Bekhjanov) were imprisoned since soon after the bombings and were convicted on political charges in August 1999, along with noted poet and former Solikh associate Mamadali Makhmudov and another defendant affiliated with the Birlik party.

Dozens of Erk and Birlik activists reported that after the bombings they were subjected to various forms of harassment: Frequent surveillance; restrictions on movement; searches of their homes; lengthy police interrogations; and, occasionally, detentions.

Traditionally, women participate much less than men in government and politics, and are underrepresented in these areas. There are 17 female deputies in the 250-member Parliament. There are 2 women (both with the rank of Deputy Prime Minister) among 28 members of the Cabinet; 1 is charged specifically with women's issues.

There are nine ethnic Russians or Ukrainians, six Karakalpaks, three Kazakhs, one Korean, and one Armenian in the Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government restricts and harasses local NGO's working on human rights and refuses to register the country's two main human rights organizations. Both the Minister of Internal Affairs and the Minister of Justice accused publicly both local and international human rights organizations of giving support to the country's enemies.

In the verdict in the case of Kamoletdin Sattarov in Andijon in July, the court ordered destroyed 17 individual appeal forms from the U.N. High Commissioner for Human Rights that police had found in Sattarov's home on February 3. Uzbek citizens exercising their right to free speech had filled out six of these forms; eleven were blank. The prosecution treated the forms, as well as two Hizb ut-Tahrir leaflets, as evidence of Sattarov's antistate activities. He was sentenced to 9 years in prison. Upon appeal in August, the regional court voided the verdict of the Andijon court and ordered a new trial. In his retrial, Sattarov was sentenced to 10 years in prison, 1 year more than his original sentence. However, the judge ordered that the U.N. High Commissioner for Human Rights forms be returned to Sattarov's family. Sattarov's appeal of this verdict summarily reconfirmed the new sentence in December.

Security forces continue to harass and abuse human rights activists. The chairman of the HRSU, Abdumannob Polat, lives in voluntary exile. Neither the IHROU nor the HRSU resubmitted applications to register during the year. However, HRSU's attempt to hold a congress of its members, required in order to submit a new registration application, was blocked by local officials on December 22 (see Section 2.b.)

On December 21, President Karimov pardoned and released Mahbuba Kasimova, an IHROU human rights activist and member of the Birlik Democratic Movement. Kasimova, who had been sentenced to 5 years in prison in a 3-hour trial in July 1999, had received international attention as a political prisoner. There were no developments in the case of Ismail Adilov, another IHROU activist who was imprisoned in 1999 on charges widely believed to be fabricated.

One international human rights group, HRW, has permission to operate in the country and has had an office in Tashkent since 1996. The group operates independently and has no affiliation with the Government.

The Government registered one human rights NGO in 1996. The registered NGO, the Committee for Protection of the Rights of Individuals, was formed with the support of the Government but also has ties to opposition figures. Some sources affiliated with other groups have questioned its independence from the Government. The organization acts as the Uzbek affiliate of the International Society for Human Rights based in Germany.

Since 1997 there has been a human rights Ombudsman's office affiliated with the Parliament. The Ombudsman may make recommendations to modify or uphold decisions of state agencies, but the recommendations are not binding. The Ombudsman is prohibited from investigating disputes within the purview of courts. The Ombudsman replaced the parliamentary human rights commissioner, who had insufficient trained staff to carry out in-depth investigations of human rights violations and did not vigorously pursue allegations against the police and security forces. The office of the Ombudsman increased its staff and received authorization to open regional offices throughout the country. The Ombudsman issues reports identifying the most

serious types of violations of human rights by government officials. The office claims that it has assisted hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police and local officials. Most of the successfully resolved cases appear relatively minor. In February the current Ombudsman, Sayora Rashidova, sponsored a roundtable to discuss problems with the country's religion law. Non-state attendees included the mufti, the Russian Orthodox Church, academics, an international NGO, the OSCE, and various diplomatic missions.

The National Human Rights Center of Uzbekistan, created by presidential decree in 1996, has as its purpose to educate the population and government officials about the principles of human rights and democracy. The center's chief activity is to hold seminars and training, and it is not involved in human rights advocacy. The center has worked closely with international organizations such as the UNDP and the OSCE.

The Government is willing to discuss human rights matters with organizations such as the OSCE, as well as with foreign embassies. The UN has not sent human rights commission members or special rapporteurs to the country. The Government is generally willing to hold an open dialog with international human rights NGO's, and held several high-level discussions with representatives of HRW during 1999.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language or Social Status

Both the Constitution and the 1992 law on citizenship prohibit discrimination on the basis of sex, religion, language, or social status; however, societal discrimination against women persists.

Women.—Spousal abuse is common, but both local activists and the police say they have no statistics on the issue. At a September 1999 seminar on domestic violence, representatives of NGO's with crisis centers reported that the number of women seeking assistance is growing rapidly. Wife beating is considered a personal family affair rather than a criminal act, and thus such cases usually are handled by family members or elders within the community (mahalla) and rarely come to court.

In December a U.S.-based NGO, Minnesota Advocates for Human Rights, released a major study on Domestic Violence in Uzbekistan. While the lack of reporting prevented the authors from determining the number of cases annually, the study concluded that domestic violence is widespread and that the Government has failed to combat or even acknowledge the problem. Another U.S.-based NGO, Winrock International, which helps develop women's organizations in Uzbekistan, agreed with the conclusions of the study but noted that public officials were willing to speak openly about the problem of domestic violence in Uzbekistan.

Trafficking in women for the purpose of prostitution occurs, particularly to the Persian Gulf, Turkey and South Korea (see Section 6.f.). Prostitution within the country is a growing problem stemming from the worsening economic situation.

Due to tradition, women, particularly in rural areas, usually marry before age 20, bear many children, and confine their activities to within the family. In rural areas, women often find themselves working in the cotton fields during the harvest season. However, women are not impeded formally from seeking a role in the workplace. The barriers to equality for women are cultural, not legal, and women who open businesses or seek careers are not hindered legally.

Although the law prohibits discrimination against women, traditional cultural and religious practices limit their role in everyday society. For these reasons, women are underrepresented severely in high-level positions. In 1995 President Karimov issued a decree on measures to increase the role of women in society, particularly extending their participation in state and social administration and coordinating the activities of ministries and social organizations as they relate to women's issues. In this connection, a deputy prime minister position was created in 1995 charged with furthering the role of women in society. This cabinet level official is also head of the National Women's Committee. The edict also mandated the formation of regional women's committees throughout the country, headed by government-appointed officials. In September the National Women's Committee sponsored a meeting commemorating the fifth anniversary of the Beijing Conference. According to NGO participants at this meeting, the Government for the first time showed a willingness to work together with NGO's on a common plan of action.

The President declared 1999 to be the "year of the woman." In April 1999 the Government promulgated a law extending additional rights to women; it reduced the workweek to 35 hours for female employees of the State and reduced the optional retirement age for women to 54 years (after 20 years of employment). Government-sponsored activities also included a series of seminars, newspaper articles,

public service announcements, and television programs that increased awareness of women's issues.

Several dozen NGO's address the needs of women. For example, the Business-women's Association in Tashkent, in addition to providing resources and information about developing small enterprises, operates a store that sells clothing and crafts. A center in Tashkent conducts seminars on sexual harassment, domestic violence, and the legal rights of women. Another center in Samarkand operates a crisis hot line and provides educational services on alcoholism, sexually transmitted diseases, and family counseling.

In parts of the country, some women and girls resort to suicide by self-immolation. There are no reliable statistics on the extent of this problem, since most cases go unreported. However, representatives of women's groups continue to observe an increase in self-immolation. After marriage many women or girls move into the husband's home, where they occupy the lowest rung on the family social ladder. A conflict with the husband or mother-in-law, who by tradition exercises complete control over the young bride, usually is the stimulus for suicide.

A 1997 research study indicated that the number of women enrolling in higher education was diminishing; for example, women's enrollment in the finance and banking institute dropped from 65 percent in 1991 to about 25 percent in 1997. Cutbacks in government funding to universities and the need for families to fund a higher percentage of educational costs leaves many families in the position of being able to fund the education of only one child, either a son or a daughter. The report stated that university faculty "steer" women into occupations traditionally performed by females and suggested that administrators may practice a policy of deliberately barring entrance to women in some fields.

Children.—The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they reach majority at age 18. Traditional Uzbek values reinforce the cohesion of families; in most cases, several generations of a family live together. In theory the State provides free universal primary education and health care; however, in practice shortages and budget difficulties mean that some services must be paid for privately. The State grants monetary allowances to families based on their number of children. The country has a very high birth rate; over one-half of the population is under the age of 18.

Nine years of formal schooling are compulsory, and the average length of schooling is over 11 years. The U.N. Development Program reports that 100 percent of children complete secondary school.

There is no societal pattern of abuse of children. Trafficking in girls for the purpose of prostitution occurs (see Section 6.f.).

People with Disabilities.—One of the country's first laws, adopted only 2 months after independence in 1991, provided support for the disabled. This law was aimed at ensuring that the disabled have the same rights as other citizens. However, little effort is made to bring the disabled into the mainstream. The State cares for the mentally disabled in special homes. The Government has not mandated access to public places for the disabled.

National/Racial/Ethnic Minorities.—Government statistics dating from 1992 show that the population of approximately 23 million is about 71 percent Uzbek, 8 percent Russian, 5 percent Tajik, 4 percent Tatar, and 3 percent Kazakh, with many other ethnic groups represented. The statistics may underestimate the actual number of ethnic Tajiks. The figures treat ethnic Tajiks whose mother tongue was Uzbek as ethnic Uzbeks. Moreover, some Tajiks choose for a variety of reasons to declare themselves to be ethnic Uzbeks.

Ethnic groups other than Uzbeks, particularly Russians, frequently complain that job opportunities are limited for them. Senior positions in the government bureaucracy and business generally are reserved for ethnic Uzbeks, although there are numerous exceptions to this rule.

The 1992 citizenship law does not impose language requirements for citizenship. Nonetheless, the language issue remains very sensitive. Uzbek has been declared the state language, and the Constitution requires that the President speak Uzbek. However, the language law provides for Russian as "the language of interethnic communication." Russian is spoken widely in the main cities, and Tajik is spoken widely in Samarkand and Bukhara. The 1989 language law originally required that Uzbek would be the sole method of official communication by 1998, but subsequently was modified and now stipulates no specific date. The Government also is in the process of replacing the Cyrillic alphabet with the Latin alphabet. However, realizing the difficulties for Uzbeks and minorities alike, the Government has delayed the full transition to both the Uzbek language and the Latin alphabet to 2005.

Section 6. Worker Rights

a. The Right of Association.—The 1992 law on unions specifically provides that all workers have the right voluntarily to form and join unions of their choice, and that trade unions themselves voluntarily may associate territorially or sectorally. Membership in trade unions is optional. The law also declares all unions independent of the State's administrative and economic bodies (except where provided for by law), and states that trade unions should develop their own charters, structure, and executive bodies and organize their own work.

However, in practice the overall structure of trade unions has not changed significantly since the Soviet era. Independence has eliminated subordination to Moscow but has not altered the centralized trade union hierarchy, which remains dependent on the Government. No alternative union structures exist.

A few new professional associations and interest groups have been organized, such as a union of entrepreneurs, a union of renters, and an association of private physicians and pharmacists. Registered professional associations for judges and lawyers formed in 1997; both organizations are quasigovernmental. An association of broadcasters that formed in 1998 has failed to gain government registration (see Section 2.b.). The main activity of all registered associations is professional development. They do not license members and have no formal role in advocating the interests of members in relation to the Government.

According to the law, the Council of the Federation of Trade Unions (CFTU) has a consultative voice in the preparation of all legislation affecting workers and is entitled to draft laws on labor and social issues. Trade unions are described legally as organizations that defend the right to work and to protect jobs. They have lost their previous role in state planning and in the management of enterprises. The emphasis now is on the unions' responsibility for "social protection" and social justice—especially unemployment compensation, pensions, and worker retraining.

The trade union law does not mention strikes or cite a right to strike. However, the law does give the unions oversight for both individual and collective labor disputes, which are defined as those involving alleged violations of labor laws, worker rights, or collective agreements.

There were no reports of strikes. This circumstance likely reflects the absence of truly representative trade unions, as the standard of living fell and growing unemployment raised social tensions. The absence of labor activism also reflects the Communist legacy of docility in the face of authority. However, both union and government officials assert that the lack of strikes reflects general support for the Government's policies and common interest in social stability.

The 1992 law on unions provides that unions may choose their own international affiliations; however, none have done so.

b. The Right to Organize and Bargain Collectively.—Trade unions may conclude agreements with enterprises. Privatization is still in its very early phase. As a result, there is no experience with negotiations that could be described as adversarial between unions and private employers. The State is still the major employer, and the state-appointed union leaders do not view themselves as having conflicts of interest with the State.

The Ministry of Labor and the Ministry of Finance in consultation with the CFTU, set the wages for various categories of state employees. In the small private sector, management establishes wages or negotiates them with those who contract for employment.

The law forbids discrimination against union members and their officers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced labor, including by children, except as legal punishment or as may be specified by law; however, some abuses including trafficking in women and girls for the purpose of forced prostitution occur (see Section 6.f.). No statute specifically prohibits forced and bonded labor by children, and large-scale compulsory mobilization of youth and students (by closing schools) to help with the cotton harvest continues. Student labor is paid poorly, and students sometimes must pay for their food. Adults, including teachers and passersby in automobiles and busses, similarly are forced into the harvest effort.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age is 16 years; 15-year-olds can receive state permission to work but have a shorter workday. In rural areas, younger children and the elderly often help to harvest cotton and other crops (see Section 6.c.). The Labor Ministry has an inspection service, which is responsible for enforcing compliance with these and other regulations governing employment conditions, and enforces them effectively.

The law prohibits forced and bonded labor by anyone, including children; however, trafficking in girls for forced prostitution and compulsory mobilization for the cotton harvest occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. As of September 1, it was less than \$4 (2,450 soum) per month. The minimum wage is not sufficient to provide a decent standard of living for a worker and family.

The standard workweek is set at 41 hours and requires a 24-hour rest period. Some factories apparently have reduced work hours in order to avoid layoffs. Overtime pay exists in theory but is not always paid.

Pay arrearages of 3 to 6 months are not uncommon for workers in state-owned industries. The problem appears to be growing.

The Labor Ministry establishes occupational health and safety standards in consultation with the unions. There is a health and safety inspectorate in the Ministry. The local press occasionally published complaints about the failure of unions and government authorities to do enough to promote worker safety. Although written regulations may provide adequate safeguards, workers in hazardous jobs often lack protective clothing and equipment. Workers are permitted to leave jobs that are hazardous without jeopardizing their employability in other jobs; however, in practice, high rates of underemployment make such action difficult.

f. Trafficking in Persons.—There are no laws relating specifically to trafficking in persons. Trafficking in women and girls for the purpose of forced prostitution occurs, particularly to the Persian Gulf, South Korea, and Turkey (see Section 5). However, there are no reliable statistics on this problem, and it does not seem to be carried out on a large scale. Uzbekistan is a source country, but not a destination or transit point, for trafficking in persons. The Government has not had occasion to assist with international investigations of trafficking or to extradite citizens accused of trafficking in other countries.

Anecdotal reports from NGO's indicate that the number of young women from Uzbekistan who are forced into prostitution abroad is growing. The Government has not acknowledged the problem publicly, but has taken some measures to combat it. According to NGO representatives, the police force in Samarkand formed a special unit on trafficking in women in 1998, but the unit's effectiveness is hampered by a lack of resources. Border guards at airports were directed to give more scrutiny to unaccompanied young women traveling to Turkey, the United Arab Emirates, and South Korea; they are authorized to deny such women permission to leave the country. There is no government program to educate or assist potential victims; however, the State University for World Economy and Diplomacy sponsored a series of lectures on domestic violence and trafficking in women during the year.

FEDERAL REPUBLIC OF YUGOSLAVIA

The Federal Republic of Yugoslavia¹ (Yugoslavia), a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro, has a president and a parliamentary system of government based on multiparty elections. The new federal Government, which was formed on November 4, dropped any claim to being the sole successor state of the former Socialist Federal Republic of Yugoslavia (which dissolved in 1992), and was recognized by the international community. Vojislav Kostunica was elected President of the Federal Republic of Yugoslavia on September 24, and took office on October 7, after mass demonstrations by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and force a second election round led Milosevic to concede defeat. Prior to Kostunica's election, former Yugoslav President Milosevic had brought Serbia closer to open dictatorship than ever before. Immediately following the 1999 war in Kosovo, Milosevic moved to consolidate his weakened position in Serbia through a campaign of intimidation and violence against his political opponents, representatives of the independent media, student groups, civil society, and even, in certain cases, members of the regime. Prior to the September elections, Milosevic, who is also President of the Socialist Party of Serbia (SPS), continued to dominate all formal and informal governing institutions in the country. Although the SPS lacked

¹ The report on the Federal Republic of Yugoslavia is discussed in three separate sections on Serbia, Kosovo, and Montenegro and addresses the human rights situations in each of these entities. Since federal authority was exercised effectively only over the Republic of Serbia throughout the year, the human rights situations in Kosovo and Montenegro are dealt with in separate sections following this report.

majorities in both the Federal and Serbian Parliaments, it controlled key administrative positions. The SPS also controlled the governing coalition with the Yugoslav Left (JUL), controlled by Milosevic's wife, Mira Markovic, and the Serbian Radical Party (SRS), controlled by Vojislav Seselj, an extreme ultranationalist known for his radical politics during the wars in Croatia and Bosnia, who resigned from his government position in October. Milosevic also controlled the judiciary.

As a key element of his hold on power, President Milosevic until his electoral defeat effectively controlled the Serbian police, a heavily armed force of some 80,000 officers that is responsible for internal security. Having been forced to withdraw from Kosovo in 1999, the police then repressed opponents of the regime in Serbia. In addition, Milosevic ignored the constitutional role of the Supreme Defense Council, essentially establishing himself as commander in chief of the Yugoslav Army (VJ), which, along with the police, was employed in the brutal campaign against the citizens of Kosovo in 1999. Several times in the past, Milosevic had purged those officers in both the police and military who either failed to follow his orders or who directly challenged his policies in Kosovo, Serbia, or Montenegro. The security forces committed numerous, serious human rights abuses.

Following the war in Kosovo, international economic sanctions remained in place much of the year. The international community began to remove those sanctions after Kostunica's election. The economy inherited by the new Government suffered from continued exclusion from international financial institutions and from the damage inflicted on infrastructure during 10 years of war. Economic performance is poor due to the general inefficiency in the economy, corruption, and continued resistance to reform and privatization. Unemployment and underemployment remain high, reaching at least 60 percent, as the Milosevic Government was unable or unwilling to introduce necessary restructuring measures. The Milosevic Government also failed to implement needed sweeping economic reforms to help the economy, including privatization, due to the influence of the regime's crony system.

Under Milosevic the Government's human rights record remained extremely poor, and it continued to commit numerous serious abuses. Milosevic attempted to prevent citizens from exercising their right to change their government. The police were responsible for numerous serious abuses, including extrajudicial killings, disappearances, torture, brutal beatings, and arbitrary arrest and detention. Impunity for those who committed human rights abuses was a serious problem. Often, serious crimes such as murder remained uninvestigated and unsolved. The judicial system was not independent of the Government, suffered from corruption, and did not ensure fair trials. Under the Milosevic regime, there were many cases of political detainees and political prisoners. However, under Kostunica, the new Government released two prominent political prisoners—journalist Miroslav Filipovic in October and human rights activist Dr. Flora Brovina in November. In December Kostunica also pardoned opposition activist Bogoljub Arsenijevic, known as "Maki." Under the Milosevic regime, the authorities infringed on citizens' privacy rights. The Milosevic Government severely restricted freedom of speech and of the press and used overbearing police intimidation and economic pressure to control tightly the independent press and media. Most journalists continued to practice self-censorship. The Milosevic Government restricted freedom of assembly and association. Police repressed citizens who opposed the Milosevic regime and severely beat scores of democratic opposition protesters throughout Serbia, sending many to hospitals. The Milosevic Government infringed on freedom of worship by minority religions and restricted freedom of movement. The regime enacted legislation to manipulate the electoral process, most recently in the summer, when Milosevic made changes to the Constitution that allowed him to be elected by popular vote to another term as President of Yugoslavia. Milosevic banned objective international observers from monitoring the September 24 elections for Yugoslav President and attempted to falsify election results. The Federal and Serbian Governments' record of cooperation with international human rights and monitoring organizations remained poor. The Milosevic Government routinely hindered the activities of local human rights groups.

The Federal Government remained uncooperative with the International Criminal Tribunal for the Former Yugoslavia (ICTY). It again failed to meet its obligations under numerous U.N. Security Council Resolutions to comply fully with the Tribunal's orders, and failed to transfer or facilitate the surrender to the Tribunal of persons on its territory indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal. (These persons include Milosevic and four of his top aides, who were indicted in 1999 for their role in the Kosovo war). Violence and discrimination against women remained serious problems. Police repression and official and societal discrimination against Muslims in the Sandzak region, Roma, and other minorities persisted. The regime limited unions not affiliated with the Govern-

ment in their attempts to advance worker rights. There was some child labor. Serbia is a source, transit, and destination country for trafficking in women and girls, and trafficking is a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Political and other Extrajudicial Killing.—Police committed extrajudicial killings. In November the Democratic Opposition of Serbia (DOS) Minister of the Interior, Bozo Prelevic, reported that he had received evidence suggesting that the head of the Republican State Security service, Rade Markovic, was involved in the April 1998 killing of Slavko Curuvija, the publisher of an independent Belgrade tabloid newspaper and weekly news magazine (see Section 2.a.).

The number of political and extrajudicial killings increased, and there were many indications of complicity at the highest political levels. The targets of such attacks were not limited to opposition activists. Numerous deaths of persons close to the regime in the first half of the year suggested efforts on the part of the Government to consolidate its authority and remain in power. Typically no one was arrested for such killings.

The most notable politically motivated killing was that of Zeljko Raznatovic, also known as “Arkan”—a notorious paramilitary commander from the Croatian and Bosnian wars who was indicted by the ICTY. Raznatovic was killed inside Belgrade’s Intercontinental Hotel in January. After his death, rumors began circulating of a falling out with the Milosevic regime. There was an official investigation into his death; however, it yielded no conclusive results.

A number of other prominent political figures were killed during the year. In view of the high level of corruption among the political elite, the precise mix of criminal and political motives for these crimes was difficult to determine. Pavle Bulatovic, the former Yugoslav Minister of Defense and a close associate of the Milosevic family, was killed while dining in a restaurant in February. Another close Milosevic associate, Zika Petrovic, the head of Yugoslav Airlines, was shot and killed in April while walking his dog near Belgrade’s central police station.

Belgrade investigative judge Nebojsa Simeunovic was reported missing in early November. On December 3, police in Belgrade found his body washed up on the banks of the Sava River. Judge Simeunovic had refused to sign warrants for the arrest of DOS party leaders and striking miners during the October popular campaign to unseat Milosevic. He also was in charge of the investigation of several politically sensitive cases, including the 1997 killing of Radovan Stojicic-Bazda and the February killing of Pavle Bulatovic.

Eight Albanians taken from Kosovo by withdrawing Yugoslav forces and detained in prisons within Serbia died in detention during the year (see Section 1.c.).

In March, criminals Branimir “Dugi” Lainovic and “Bata” Vucurovic were killed in Belgrade and Vojvodina, respectively. Neither apparently was involved in politics when killed, but both played significant roles in paramilitary operations in Croatia in the early 1990’s and had links to former Serbian State Security leaders.

On November 21, two Serbian police officers were killed and several were wounded in an attack by the so-called Liberation Army of Presevo, Medvedja, and Bujanovac (UCPMB), an offshoot of the disbanded Kosovo Liberation Army (KLA). On November 27, a 10-year-old boy was killed by an antitank mine planted by the Yugoslav army as his family fled the Presevo valley region for Kosovo. These incidents escalated tensions that had been building throughout the year in the region of southeastern Serbia that borders on Kosovo and encompasses the municipalities of Presevo, Bujanovac, and Medvedja. This region is populated by both ethnic Albanians and Serbs. In November thousands of ethnic Albanians fled the region for neighboring Kosovo and Macedonia, due to fear of a buildup of Serbian police and military forces. Skirmishes between Serbian police and armed Albanian UCPMB members occurred throughout the year, resulting in the reported deaths of several Serbian police as well as some UCPMB members and a few civilians.

b. Disappearance.—Police were responsible for disappearances.

The most notable disappearance was that of former Serbian President Ivan Stambolic, who disappeared while on a daily jog in a park near his home in Belgrade in August. Many observers noted that the timing of Stambolic’s disappearance (only a few weeks ahead of scheduled elections), and the fact that state-run media remained largely silent on the issue, suggested complicity by the Milosevic regime and the Serbian security service. The Serbian State Prosecutor’s office began an investigation into the case in late November, but it had not yielded any results at year’s end.

In April Jan Svetlik, an opposition councilor from Zrenjanin, was abducted by two unknown assailants and kept outside of town for several hours during a session of the local parliament. The abduction allowed the ruling SPS to retain its parliamentary majority despite the fact that two of its own members earlier had defected to the opposition. Police failed to identify the assailants.

Federal and Serbian government authorities have not cooperated fully with efforts to account for the thousands of disappearances of individuals from Kosovo during the first 6 months of 1999, nor have they allowed the International Committee of the Red Cross (ICRC) or other international organizations access to many detention facilities. Some 5,500 persons are missing; some 700 are being detained in Serbian prisons (see Section 1.d.).

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Yugoslav and Serbian law prohibits torture and other cruel forms of punishment; however, security authorities regularly and systematically used torture, beatings in detention, and other forms of abuse against citizens and members of the political opposition. The majority of cases of torture occurred before detainees were charged with offenses or during the period between the filing of charges and the commencement of the trial. Freed prisoners reported being subject to beatings with rubber batons, metal batons, and wooden bats, as well as use of electroshock, starvation, withholding of medical care, and having their hands bound tightly with plastic bands.

On May 17 and 18 in Belgrade, police beat peaceful protesters and used excessive force to disperse street protests against the Government's closing of television Studio B and Radio B2-92 (see Section 2.b.). In June police beat four persons at a police station in Zajecar after they put up opposition posters.

In July Bojan Aleksov, a human rights monitor who worked with the Safe House Project for Conscientious Objectors from the Federal Republic of Yugoslavia and the nongovernmental organization (NGO) Women in Black Against War, was arrested by police in Belgrade after being removed forcibly from his car. During his 23-hour detention, Aleksov repeatedly was threatened with death and interrogated about his human rights work and his connections with the international community. The police tortured Aleksov severely, including by forcing him to stand on his toes while they beat him with a truncheon all over his body. Despite running a fever, the police denied him water for up to 5 hours and kept him awake throughout the night. On the following morning, three police officers beat Aleksov on the soles of his feet, the palms of his hands, and other parts of his body, using a baton. Aleksov finally was forced to write a 12-page confession dictated to him by an officer, which outlined his human rights work and his contacts and visits with international organizations and officials. Under threat of death, Aleksov then was forced to agree to work for the State Security Service. Finally, the police forced Aleksov to repeat parts of the signed statement on video and made him repeat his "confession" three times in order to appear convincing enough. In response to this case, Amnesty International (AI) called for an investigation and the temporary suspension of the officers suspected of beating Aleksov pending final results of that investigation. No investigation was conducted by year's end.

In early September police also beat an Otpor activist, a minor, and forced him to eat one of the movement's posters. A lawyer representing the activist was prevented from attending the interrogation and was not able to contact the activist.

In August police interrogated and beat 19-year-old Rom Sasa Mustafic and threatened his wife, Demira Gezvira, in Belgrade. Mustafic was arrested by police, accused of theft, and allegedly beaten with a stick and punched in the stomach, ribs, back, and head. On September 26, a traffic police officer reportedly beat and threatened Skender Gasi, a 27-year-old Rom from Kosovo, in Belgrade. According to local NGO reports, Gasi did not file a complaint against the officer because he feared reprisals.

In November in Vojvodina police beat and threatened a Hungarian journalist (see Section 5).

In September police detained seven Bulgarian election observers who entered Serbia despite not receiving official credentials. Police beat three of the observers, in one case causing a ruptured eardrum, and confiscated mobile telephones, money, and personal belongings.

Police beat journalists (see Section 2.a.).

There were numerous beatings of members of the political opposition by unidentified groups of men, apparently State Security agents or thugs employed by the Milosevic regime. On February 26, several men attacked and severely beat student Milos Dosen as he pasted up a poster in Belgrade that belonged to Otpor ("Resistance"), a student-led, nonviolent political movement that opposes the Milosevic re-

gime. Despite videotape that showed the attackers and their vehicle's license plates in clear view, police did not investigate the incident.

On April 11, in Novi Sad, two unidentified men beat Radoje Cvetkov, secretary for urbanism in the Novi Sad executive council, which is controlled by an opposition party.

In June police beat a 19-year-old Otpor activist for 3 hours after they found the student movement's material in his car in Lapovo.

According to Human Rights Watch, on September 2, police beat Mile Milic, a DOS candidate for the Lajkovac municipal assembly, after arresting him for hanging DOS posters. On September 3 in Indjija, SPS activists severely beat a minor who was hanging DOS posters. AI reported that on September 4, police beat Darko Pavlovic, an Otpor activist who was arrested in Sabac while hanging DOS posters. On September 8 in Vladicin Han, police detained and beat six Otpor activists. After reportedly tying up the six activists, the police used their fists and batons to beat them on the genitals, kidneys, and heads. One activist, Aleksandar Radic, had a rope placed around his neck. Only after several hundred persons gathered in front of the police station were the activists allowed to leave and seek medical treatment. On September 15, AI reported that police beat two Otpor activists who were spraying antigovernment graffiti in Belgrade and arrested them. They both were sentenced to 10 days' imprisonment for "offenses against public peace and order." Lawyers representing the activists claimed that they were not granted access to their clients before the hearing, and were not permitted to be present while the arresting officer gave evidence.

During the election demonstrations in October, police beat some demonstrators and used tear gas to control crowds (see Section 2.b.).

Serbian Renewal Movement President Vuk Draskovic was wounded slightly after a bullet grazed his head in an attack in Montenegro in June by gunmen reportedly linked to Milosevic's regime (see Montenegro annex).

In June a crowd that emerged from the offices of the ruling Socialist Party attacked activists distributing leaflets in Barajevo.

In early March, unknown assailants damaged the car of Zarko Korac, leader of the Social Democratic Union.

Prison conditions do not meet minimum international standards. Torture and beatings were reported. There were reports that Albanians held in prisons included young children, the elderly, and persons who were blind and deaf (see Section 1.d.). Overcrowding and lack of food, medical care, and heating in winter all are problems.

A total of eight Albanians taken from Kosovo by withdrawing Yugoslav forces and detained in prisons within Serbia died in detention; two were confirmed to have died in August, reportedly one of a heart attack and one of cancer.

A series of prison riots occurred in November. The unrest began in Sremska Mitrovica and spread to prisons in Nis and Pozarevac, as well as Padinska Skela prison near Belgrade and the juvenile penitentiary in Valjevo. Prison inmates demanded an improvement in prison living conditions and an expansion of a proposed amnesty bill for Kosovar Albanian prisoners in Serbia to include other Serbian criminals. Several inmates alleged that they were victims of severe beatings in prison by guards. Prisoners also alleged that they were denied access to health care. Hundreds of ethnic Albanians were evacuated from the Pozarevac prison after they were threatened by Serbs for not joining the protests. One Serb prisoner died after falling off the roof of the Nis prison and several persons reportedly were injured during the riots. In response, the Government pledged emergency funds to improve prison conditions and on November 10, authorities released 14 Serbs and 1 ethnic Albanian from the Pozarevac prison. In exchange, inmates agreed to put down their weapons and to allow guards back in the prison.

On December 14, a military court in Nis sentenced nine Serbian military policemen and one lawyer to prison terms totaling 7 years for extorting money from Kosovar Albanian prisoners.

Although the Milosevic regime generally permitted some prison visits by human rights monitors with sporadic access often subject to the whim of local officials, access generally was poor. On several occasions, outside monitors, including representatives of the ICRC, were denied access to individuals reportedly held by Serbian police, especially draft evaders and Kosovar Albanians whom retreating security forces transferred from Kosovo after hostilities ceased. However, the ICRC had no access to or information about persons detained in military detention facilities at year's end.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention was common in Serbia under Milosevic, with such abuses aimed at opponents of the regime apparently on a daily basis.

Defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations. The ability of defense attorneys to challenge the legal basis of their clients' detention often was hampered further by difficulties in gaining access to detainees or acquiring copies of official indictments and decisions to remand defendants into custody. In some cases, judges prevented defense attorneys from reading the court file. Investigative judges in Serbia often delegated their responsibility for carrying out investigations to the police or members of the State Security Service and rarely questioned their accounts of the investigation—even when it was obvious that confessions were coerced from the accused. Results of such sham investigations then were used in court to convict defendants on fabricated charges.

According to the Humanitarian Law Center, at least 10 Kosovar Albanian minors were being held in the country's prisons in January. These children were among the approximately 2,000 civilians removed from Kosovo when the Yugoslav Army withdrew its forces in 1999. Serbian authorities reportedly sold dozens of these prisoners back to their families in Kosovo for prices as high as \$25,000 (DM 50,000). Numerous human rights groups have documented an open-air market in northern Kosovo where lawyers purporting to represent these prisoners go to strike deals with families or friends of those imprisoned to secure their release. Despite the exchange of large sums of money, the lawyers often are never seen again. Human Rights groups also noted that in those cases where prisoners are released, the extorted "fees" were divided between the lawyers, judges, and police involved in individual cases and prisons. Human rights organizations believe that the Government still holds approximately 700 Kosovar Albanian political prisoners and detainees. The Government claims that some of these prisoners and detainees were convicted of common crimes.

Visits to political detainees were rare and often were supervised by police. Local human rights NGO's attempted to visit prisoners, with mixed results. The ICRC was able to visit many, if not all, of the approximate 700 Kosovar Albanian political detainees inside Serbia. However, it is not clear that the ICRC has been able to arrange more than an occasional visit.

Opposition politicians faced harassment by police under the Milosevic regime. On February 29, Belgrade police detained and interrogated Ivan Kovacevic, the Serbian Renewal Movement spokesman and a member of the Serbian Parliament. In March a total of 42 members of Vojvodina's League of Social Democrats were arrested in Novi Sad. They were handing out flyers asking for citizens to assemble in front of a construction site, where the regime was blocking the city's efforts to begin rebuilding a bridge destroyed during the NATO bombing campaign.

In May three members of Otpor—Momcilo Veljkovic, Radojko Lukovic, and Dusan Ignjatovic—were arrested after friends of Marko Milosevic, the President's son, beat them severely outside a cafe in Pozarevac, Milosevic's hometown. The Otpor activists claim that they were beaten after they came to the defense of another activist, Dragan Milovanovic, who was being pressured by Marko Milosevic's associates to join the Socialist Party of Serbia.

The beating set off a wave of protests, and the opposition scheduled demonstrations in Pozarevac a week later, which it ultimately was forced to cancel due to intimidation by the Milosevic regime. As a part of its effort to intimidate and prevent the demonstrations, police arrested Nenad Canak, the President of the Vojvodina League of Social Democrats, as he drove to Pozarevac. Police also arrested and interrogated dozens of others, including journalists, opposition politicians, and Otpor activists across Serbia in Nis, Novi Sad, Kragujevac and Pozarevac.

Several days later, Veljkovic and Lukovic were released by the district prosecutor Bosko Papovic, who did not find grounds to prosecute. Papovic in turn was dismissed from his post by the Government, and the activists were rearrested and served a total of 2 months in prison. The judge appointed by the Milosevic regime claimed that releasing the students earlier would "upset the public."

In June police in Leskovac arrested 10 persons, including Igor Olujic, a leading human rights lawyer with the Belgrade-based Humanitarian Law Center, Dobrosav Nestic, president of the Leskovac NGO Council for Human Rights, and several opposition party activists. Those detained were protesting peacefully the arrest a few days earlier of Otpor activist Vladimir Stojkovic. During the arrest, police used excessive force against several persons, including Bojana Ristic, a representative from the Serbian Renewal Movement who also serves in the Parliament.

Also in June 20 members of Otpor were arrested in Smederevska Palanka. Police in Ivanjica detained an 11-year-old boy for waving an Otpor flag in public. Police also questioned the boy's father about his support for Otpor. In September police arrested Otpor activist Branko Ilic in Arilje for the 10th time during the year. By

the end of June, Otpor announced that since the winter, more than 1,000 of its activists had been arrested by the police.

Opposition candidates in the Sandzak region of Serbia reported that tactics of the Milosevic regime greatly interfered with campaigning. Police arrested Coalition Sandzak activists for handing out leaflets and banned opposition rallies from taking place.

As the regime intensified its crackdown, in July Yugoslav Army members arrested four Dutchmen, two British citizens, and two Canadians near Montenegro's borders with Serbia and Kosovo. All were charged with espionage. The British citizens charged that they were beaten by the police and nearly lynched by VJ soldiers. Officials of the arrestees' countries had difficulty obtaining consular access to them after their transfer to federal prison facilities in Belgrade. Following Milosevic's ouster, all were released, and the charges against all eventually were dropped (see Montenegro annex).

Federal statutes permit the police to detain criminal suspects without a warrant and hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provides for a 24-hour detention period. The police often combine the two for a total 4-day detention period. After this period, police must turn over a suspect to an investigative judge, who may order a 30-day extension and, under certain legal procedures, subsequent extensions of investigative detention of up to 6 months.

Exile is not permitted legally, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, Federal and Serbian courts largely were controlled by the Milosevic regime and rarely challenged the will of the state security apparatus. Judicial corruption also is widespread. While judges are elected for fixed terms, they may be subjected to governmental pressure. Serbian authorities frequently deny a fair public trial to non-Serbs and persons whom they believe oppose the regime.

Since 1998 republic-level judges no longer have mandates for life and are required to seek office periodically through election. This process involves obtaining Justice Ministry approval for each judge's candidacy. Local observers fear that the provision in effect makes judges functionaries of the Government, who easily may be removed if they do not cooperate.

The court system comprises local, district, and supreme courts at the republic level, as well as a Federal Court and Federal Constitutional Court to which republic Supreme Court decisions, depending on the subject, may be appealed. There is also a military court system. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the constituent republic authorities to enforce its rulings.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remains in force. Considerable confusion and room for abuse remain in the legal system because the 1990 Constitution of Serbia has not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. Under federal law, defendants have the right to be present at their trial and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. The presiding judge decides what is read into the record of the proceedings. Either the defendant or the prosecutor has the right to appeal the verdict.

Defense lawyers, especially those representing minority clients, have filed numerous complaints about flagrant breaches of standard procedures, arguing that they undermine their clients' rights. Even when individual judges admitted that the lawyers were correct, the courts ignored or dismissed the complaints. For example, in Pozarevac, district prosecutor Bosko Papovic conceded that two Otpor activists were innocent of charges that they had conspired to kill associates of Marko Milosevic. Nevertheless, the two youth activists were imprisoned for 2 months, in May and June. Papovic, along with 15 other judges who defended his decision, subsequently was fired (see Section 1.d.).

Many legal scholars have expressed concern over the 1998 Act on Lawyers, which they believe restricts the freedom of lawyers and interferes with the independence of lawyers in their dealings with clients. They believe that the law gives too much authority to the lawyers' chambers, both at the republic and federal levels, which the Helsinki Committee alleges would enable the Government to exercise stricter control over the profession. According to a Serbian Constitutional Court judge, the law enabled the regime to interfere with the lawyer-client relationship, which even during the Communist era was upheld to a greater degree.

In June the Government debated the passage of a law against terrorism in the Serbian Parliament. With its sweeping powers, the law would have allowed police essentially to arrest anyone, including NGO and media representatives, whom they deemed to be working for the removal of the Government. The law allowed for a

minimum sentence of 3 years' imprisonment in such cases. Finally, the law extended the period of detention during which police could conduct their investigation from 3 to 30 days. Although the bill was not signed into law, the threat of its passage hampered many opposition activities against the Milosevic regime.

Under Milosevic, the Government also violated norms of judicial fairness by pursuing cases previously brought against individuals and groups charged under the Yugoslav Criminal Code with jeopardizing the territorial integrity of the country and for conspiring or forming a group with intent to commit subversive activities (undermining the "constitutional order"). Most of the cases involved alleged violations under Article 136 of the Federal Penal Code related to "association to conduct enemy activity," or Article 125 concerning "terrorism." There is no clear estimate as to how many persons remain imprisoned on these specific charges.

Among the most prominent is the case of Dr. Flora Brovina who was transferred from Kosovo to a prison in Nis in July 1999. Dr. Brovina, who is known for her human rights work on behalf of women and children in Kosovo, was tried and convicted on terrorism charges and in December 1999 sentenced to 12 years' incarceration. Dr. Brovina was freed on November 1 by a special pardon from President Kostunica.

The Serbian court system convicted 143 ethnic Albanians in a mass trial in Nis in May. The men, who received sentences ranging from 7 to 13 years' imprisonment, were convicted of being members of the KLA, terrorism, and attacking police. The trial was criticized widely by human rights groups because little effort was made to establish individual, as opposed to collective, guilt. In addition, defense witnesses were not allowed to testify, and the judge reportedly admitted that there could have been "shortcomings" in the prosecution's evidence.

On July 6, six ethnic Albanians in Serbia accused of terrorism and supporting the KLA were sentenced to a total term of 46 years in prison. Human rights NGO's noted that the trial was unfair and that allegations of torture were widespread. The court failed to investigate the allegations of torture and accepted a filmed confession made while the men were in police custody, which already had been aired on Serbian State television. AI noted that this was in clear violation of the Yugoslav Code of Criminal Procedure.

A spokesperson for the Serbian Judges Association stated that as of July, 50 of its members had been forced to resign due to pressure from the regime. This followed the dismissal by the Government of 16 judges for their alleged work with the political opposition, including Djordje Rankovic and district prosecutor Bosko Papovic, who spoke out against the case of the two Otpor activists who were beaten by associates of Marko Milosevic in Pozarevac (see Section 1.d.).

Ukshin Hoti, leader of UNIKOMB, a political party that advocates Kosovo's unification with Albania, was in detention for the entire year. Hoti was in a Nis jail and was reportedly in poor health. His lawyers have been denied access to him since February 1998. Hoti was serving a 4-year sentence in a prison in Nis and was to be released on May 17, 1999. However, the Pristina-based Council for Human Rights was unable to locate Hoti as of July 1999 and there was no further information at year's end.

In December, President Kostunica pardoned opposition activist Bogoljub Arsenijevic, known as "Maki."

The Government continued to hold an estimated 700 ethnic Albanians as political prisoners. Visits to political prisoners are rare and are often supervised by police. Local human rights NGO's have attempted to visit prisoners, with mixed results. The ICRC has been able to visit many, if not all, of the Kosovar Albanian political prisoners inside Serbia.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Under the Milosevic Government, the authorities infringed on citizens' privacy rights. Federal law gives republic ministries of the interior sole control over the decision to monitor potential criminal activities, a power that is abused routinely. It is widely believed that the authorities monitor opposition and dissident activities, eavesdrop on conversations, read mail and e-mail, and wiretap telephones. Although illegal under provisions of federal and Serbian law, the federal post office registers all mail from abroad, ostensibly to protect mail carriers from charges of theft.

The law includes restrictions on searches; however, officials often ignored them. Police raided the Belgrade and Mladenovac offices of Otpor in early September without a search warrant. The previous day, police raided Otpor's Novi Sad office. They confiscated computers, several thousand T-shirts, posters, buttons, and information about the movement's activists. Despite the law, the police did not leave any notification of the items they removed from Otpor's premises. The Serbian Helsinki Committee stated that the raids violated Article 21 of the Serbian Constitution, according to which police may enter a premise with a warrant or, if no warrant is ob-

tained, in order to "save people and property." Before the September 24 elections, as part of its crackdown on independent political activists, police also repeatedly raided the offices of CESID, a Serbian election monitoring NGO, confiscating files and computers.

A government law requiring universal military service is enforced only sporadically; it was not enforced vigorously during the year. The informal practice of the military has been not to call up ethnic Albanians. However, in Montenegro VJ troops forcibly conscripted youths during the year. Of approximately 100,000 draft evaders living abroad at the start of the year to avoid punishment, 40 percent were estimated to be ethnic Albanian. This number in part reflects the large number of conscription-age men in Yugoslavia's Albanian community. Leaders of Kosovo's Albanian and Sandzak's Muslim communities maintained that when forced compliance of these groups with universal military service did occur, it was an attempt to induce young men to flee the country. According to an amnesty bill passed in 1996, up to 12,000 young men for whom criminal prosecution for draft evasion already had started were granted amnesty. Others who did not fall into this category were told that if they returned to Yugoslavia their cases would be reviewed on a "case-by-case" basis, a policy that has not inspired confidence among offenders. A law passed in October 1998 stated that draft dodgers who did not report for military service would forfeit their right to inheritance. In many cases Yugoslav officials have refused to issue proper travel documents to children born to asylum seekers (see Section 2.d.). A new amnesty bill was pending at year's end. The proposed law would grant amnesty to draft evaders, deserters, those who refused to bear arms, and to most political prisoners convicted under Article 136 of the Penal Code (association to conduct enemy activity), but not to political prisoners convicted under Article 125 (terrorism). Many ethnic Albanian political prisoners were reportedly convicted under Article 125, but the exact number is unknown.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—Federal law provides for freedom of speech and of the press; however, the Milosevic regime severely restricted these rights in practice. The October 1998 Law on Public Information, which was used to silence the independent media during the Kosovo war, continued to be applied to journalists and members of the political opposition. The regime arrested dozens of journalists and levied the equivalent of hundreds of thousands of dollars in fines in apparent efforts to silence the independent media. The regime took over independent television and radio stations and shut down others. State-controlled media coverage was biased severely in favor of Milosevic's coalition parties, the SPS and JUL, particularly in early September. State media carried minimal coverage of opposition parties, and what was covered was cast in a negative light. The regime also severely restricted international media coverage of the September elections by denying entry visas to many foreign journalists and by placing travel restrictions within Serbia on others. In addition, during the preelection period the regime forced international news organizations to broadcast through state-controlled facilities where reports could be censored or blocked.

The Milosevic regime also cracked down on opposition politicians and politically active NGO's, particularly in the months preceding the September elections. Police arrested almost a dozen DOS candidates and raided several DOS offices. In the Sandzak region, police arrested opposition activists for handing out leaflets (see Section 1.d.). Many observers suggested that the disappearance of former Serbian President Ivan Stambolic in late August was meant to be a threatening message to SPS politicians not to stray from Milosevic's party (see Section 1.b.). Police also brought over a thousand members of the Otpor movement into police stations for questioning. Some of these interrogations resulted in beatings (see Section 1.c.).

While the media climate greatly improved after Kostunica's election victory, media independence remained a problem. Observers noted that after the DOS took control of state-owned Radio-Television Serbia, coverage leading up to the December 23 parliamentary elections strongly favored DOS candidates. Other media outlets also lack professionalism.

In March an indictment was filed against Dusan Mihajlovic, an opposition party leader; however, the case was not pursued. Mihajlovic was charged with "spreading false information and disturbance of citizens" because of remarks he made on a television news program criticizing a Milosevic speech.

In May independent journalist Miroslav Filipovic, who also worked closely with the Helsinki Committee for Human Rights in Serbia and as a correspondent for the Belgrade-based daily Danas, was arrested on charges of "espionage" and "spreading false information" following a series of articles investigating Yugoslav Army abuses in Kosovo. Formal charges were not brought against Filipovic until June. A closed

trial held in July was protested by human rights NGO's, as was the 7-year sentence that Filipovic received. Both the prosecution and the defense appealed the sentence. The Filipovic case attracted significant attention from many international press and human rights groups. In addition over 300 journalists from Serbia, Montenegro, and Bosnia signed a letter to Milosevic protesting the harsh sentence against Filipovic and demanding his release. On October 10, the Supreme Military Court in Belgrade overturned the guilty verdict against Filipovic on procedural grounds and sent the case back to court for a new trial. Kostunica pardoned Filipovic in October, and the charges against Filipovic were dropped.

The Government fined the newspaper Glas Javnosti \$5,000 (300,000 dinars) under the Public Information Act, and Slavoljub Kacarevic, director and editor-in-chief of the newspaper, was fined \$2,000 (120,000 dinars) for an article published on June 14. Also in June, in Leskovac a car belonging to two independent journalists was vandalized outside the police station while the two were covering protests.

In July independent publishers were forced to reduce the number of pages in their newspapers because the amount of paper supplied by the only domestic newsprint manufacturer was insufficient. The Federal Government turned down a request to import additional paper supplies even as leading Belgrade dailies Blic, Danas, and Glas Javnosti, and weeklies Vreme and NIN, used their last reserves of paper.

According to the Association of Independent Electronic Media (ANEM) network, more than 140 radio and television stations were banned inside Serbia under Milosevic, and, as of April, more than \$625,000 (37.5 million dinars) in fines were imposed on independent media under the Public Information Act. Despite this repression, ANEM reported that dozens of independent radio and television stations still were broadcasting.

In mid-January, broadcasting equipment was stolen from the Belgrade television station Studio B. As a result, over 2 million viewers were unable to receive the station's signal. Although no one was ever charged with the crime, ANEM believed that the theft was in direct response to Studio B's broadcast of opposition-related programming.

In a controversial news conference in February, former Serbian Deputy Prime Minister Vojislav Seselj threatened violence against independent journalists.

In March the police attacked a technician and security guard at Studio B and confiscated transmission equipment from the premises. In addition eight print and electronic media outlets were fined for alleged violations of the Law on Public Information. Six additional independent radio and television stations were closed in March.

Foreign journalists were expelled from Serbia and denied entry visas periodically throughout the year, especially during the period prior to the September elections.

Following the beating of the three Otpor activists in Pozarevac in May, there was a wave of arrests as independent journalists publicized the assault. Studio B and the independent dailies Blic and Danas were fined for "false reporting" after they informed the public of the attack.

On May 17, police moved against four of the largest independent media outlets—Studio B, B2-92, Radio Index, and Blic—and closed down the building from which they all operated. Radio Pancevo remained the only source of independent information in the Belgrade area until later that same night when its transmission also was blocked. On May 17 and 18 in Belgrade, police beat peaceful protesters and used excessive force to disperse street protests against the Government's closing of television Studio B and Radio B2-92 (see Sections 1.c. and 2.b.).

In June security guards beat Hanibal Kovac, a correspondent for Radio Free Europe, in Sabac in a recreation center controlled by a member of the Serbian Radical Party. The guards reportedly told Kovac that he was "first on the list and that other reporters would get the same." Police also beat up a reporter in Novi Sad for wearing an Otpor T-shirt.

On June 2, Dusika Radulovic, owner of a small independent newspaper Borske Novine was sentenced to 3 months in prison for publishing an article that allegedly libelled members of the local government. On June 9, satirist Boban Miletic was sentenced to 5 months in prison for ridiculing Milosevic during a public reading of his latest book.

Also in June, a television crew from Radio Kraljevo was arrested along with Democratic Party officials and four Otpor activists in Kraljevo.

In August journalist Zoran Lukovic was arrested and sent to prison to serve a 5-month sentence for "spreading false information." Lukovic was convicted in March 1999 with another journalist, Srdjan Jankovic, and with Slavko Curuvija, editor of the Belgrade daily tabloid Dnevni Telegraph. Curuvija was murdered in Belgrade in April 1999, allegedly by members of Milosevic's secret service (see Section 1.a.). Lukovic was pardoned and released at the end of the year.

In August the NGO Reporters without Borders protested the Government's jamming of radio broadcasts by opposition station Radio Jasenica and the private station Radio Globus. A press release issued by the organization pointed to "a policy of increasing repression against independent media" prior to the September election. The Organization for Security and Cooperation in Europe (OSCE) also highlighted media repression in the period prior to the elections.

In August five cable networks in Novi Sad stopped broadcasting news from television stations in Montenegro, Croatia, Bosnia, and Hungary following a Yugoslav Information Ministry ban on broadcasting "political propaganda programs." Critics charged that the ban was an attempt to prevent 200,000 viewers in the region from having access to independent media during the September election campaign.

The Independent Journalists' Association of Serbia (NUNS) noted in August that "repression of the authorities against the media in Serbia increased in the past few months." In addition the NUNS noted in its Dossier of Repression that the Information Act "in the past few months has become an auxiliary means of carrying out repression." The NUNS confirmed ANEM's report that the independent media were charged the equivalent of hundreds of thousands of dollars in fines by the regime.

On November 27, two policemen beat Hungarian journalist Peter Aradi and threatened to kill him. Otpor reported that Aradi was taken to the police station in Senta, a town near the Hungarian border, where he was interrogated, beaten, and threatened before being released the following day (see Section 5). Also in November, three plainclothes police officers from the Serbian Interior Ministry detained Milos Antic, assistant editor of the *Nedeljni Telegraf*, and interrogated him for 2 hours at the police station in Belgrade. They pressured him to reveal his sources for an article he had written about Milosevic's alleged attempts to crack down on prodemocracy protesters during the October 5 demonstrations; the officers said they were acting under orders of a prosecutor preparing a case against Milosevic.

In 1998 the Parliament passed the Universities Law. It severely curtails academic freedom by allowing the Government to appoint rectors and governing boards and hire and fire deans of faculties. Deans in turn can hire and fire professors—in effect taking away tenure and promoting regime loyalists inside the universities. The law also discourages political activism among students. After October 5, the new Government reinstated all previously dismissed professors.

b. Freedom of Peaceful Assembly and Association.—Federal and republic level Constitutions provide for freedom of peaceful assembly; however, under Milosevic, the Serbian and Federal Governments severely restricted this right.

In Kragujevac in February, Otpor was prevented from collecting contributions to assist the independent newspaper *Nezavisna Svetlost* in paying a fine levied against it under the Public Information Law.

On April 14, police stopped buses with opposition supporters traveling to rallies in Belgrade. On May 9, police stopped an opposition rally in Pozarevac by blocking opposition supporters' access to the town. On May 17 and 18, police used excessive force to disperse opposition street protests in Belgrade (see Section 1.c.). Police banned opposition rallies in the Sandzak region (see Section 1.d.).

During the election demonstrations in October, police beat some demonstrators and used tear gas.

Federal and republic level Constitutions provide for freedom of peaceful association; however, under Milosevic the Serbian and Federal Governments severely restricted this right. By the end of the summer virtually anyone wearing an Otpor T-shirt was subject to arrest or harassment by the police.

c. Freedom of Religion.—The laws at both the federal and Serbian republic level provide for freedom of religion; however, under Milosevic, there were incidents of government infringement on freedom of worship by minority groups, and the legal system provided little protection for the religious rights of minority groups.

Although in the past the Milosevic regime was allied closely with and gave preferential treatment to the Serbian Orthodox Church, a split between the two widened considerably during the year. The split began with the onset of violence in Kosovo and widened with the regime's continued repression of the political opposition.

The Government repressed Muslims in the Sandzak region along the border between Serbia and Montenegro. Reports of harassment in the Sandzak region indicated that it was carried out mostly by federal Yugoslav army troops.

The Government made no progress in the restitution of property that belonged to the Jewish community, despite Milosevic's past promises to resolve the disputes. The Orthodox and Catholic Churches have had similar difficulties with the restitution of their property confiscated by the Communist regime.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement; however, under Milosevic, the Federal and Serbian governments restricted this right in practice. The federal government makes passports available to citizens; however, the authorities under the Milosevic Government restricted Yugoslav citizens from reentering the country. The Milosevic regime continued to restrict the right of Sandzak Muslims and ethnic Albanians from southern Serbia to travel by holding up the issuance or renewal of passports for unusually long periods of time. It also reserved the option of prosecuting individuals charged previously with violating exit visa requirements. Throughout Milosevic's rule, opposition politicians and activists routinely were harassed and arrested as they traveled in Serbia. The Government placed travel restrictions on journalists. Freedom of movement was also restricted in travel between Serbia and Montenegro because of the trade blockade imposed by Serbian authorities.

As Federal authorities had yet to repeal legislation targeting conscientious objectors and draft evaders from the war in Kosovo, many men could not travel freely throughout the country due to fear of arrest. Those conscientious objectors and draft evaders who fled Serbia could not return to the country for the same reason. Passports were denied as a matter of course to conscientious objectors and draft evaders. NGO representatives from 19 Serbian towns gathered in Montenegro in May and called for a general amnesty for conscientious objectors and draft evaders. AI and other NGO's noted that indictments continued to arrive at the homes of draft evaders and conscientious objectors. In several cases, trials against the men were conducted in absentia. After October 5, freedom of movement improved significantly. However, isolated incidents were reported late in the year of draft evaders from Montenegro stopped in Belgrade airport and sent back to Montenegro to face old charges in military courts. Draft evaders would be amnestied by a law being considered by the Federal Parliament at year's end.

Following their exodus from Kosovo, there were reports that Serb refugees were prevented from traveling to Belgrade in 1999. Reports continue to indicate that their freedom of movement is restricted, with many of them being confined to Southern Serbia.

Citizens reported difficulties at borders and the occasional confiscation of passports. Sandzak Muslims and ethnic Albanians complained of harassment at borders when reentering the country.

Yugoslav embassies overseas generally are considered to apply a double standard when issuing passports to their citizens; ethnic Serbs have a much easier time obtaining passports than ethnic Albanians. The U.S. State Department has reported that the Yugoslav Government has issued more than 50,000 new passports since the end of the war in Kosovo, but that it has not issued more than 10,000 new passports to ethnic Albanians.

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have been refused in Germany return to Yugoslavia with their children, the children travel on the basis of this document. Yugoslav authorities take the paper at the port of entry and issue a receipt for it. The children then have no documentation in a country where documentation is a basic requirement.

The U.N. Special Rapporteur for the former Yugoslavia noted in 1997 that the 1997 citizenship law would give the Ministry of Interior almost complete control over the granting of citizenship. The Government served notice that it plans to limit severely the granting of citizenship to refugees from the conflicts in Bosnia and Croatia. The Government also plans to revise the eligibility status of a large number of persons; refugees who have been granted citizenship since 1992 may stand to lose their Yugoslav citizenship if they have acquired the citizenship of a former Yugoslav republic.

Observers in the Sandzak region also noted that Muslim residents who were forced to flee to Bosnia from Sandzak in 1992 and 1993 may not be permitted to return to Serbia, particularly if they obtained Bosnian passports in the interim.

The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR). There were no reports of the forced return of persons to a country where they feared persecution during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Federal and Serbian Constitutions provide for this right; however, in practice, under Milosevic, citizens in Serbia consistently were discouraged and often were prevented from exercising this right by the regime's domination of the mass media, control of the police, and manipulation of the electoral process. The regime persistently sought to undermine the effectiveness of the opposition leadership throughout Serbia through financial controls. In July Milosevic altered the Constitution to permit his candidacy in the September federal elections.

Throughout the summer, the Milosevic regime continuously exerted undue pressure on persons and groups attempting to peacefully change their government (see Sections 1.c., 1.d., 2.a., and 2.b.). In one such instance, police in August halted the distribution of humanitarian assistance by the Leskovac Human Rights Board, an organization that encouraged citizens to participate in September's elections.

Kostunica came to power as President of Yugoslavia after mass demonstrations in early October by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and Constitutional Court to force a second round of elections. Kostunica ran against Milosevic in the September 24 elections under the DOS Party, an 18-party alliance. Milosevic banned international observers from monitoring the elections; the opposition reported election fraud in some areas, particularly in southern Serbia and the voting in Kosovo. In Kosovo many polling stations were not opened on the September 24 election day. Although the DOS claimed victory for Kostunica, the Yugoslav Federal Election Commission claimed that neither candidate had won an outright majority and called for a second ballot. This sparked citizen protests in Belgrade and a general strike in favor of the opposition beginning on October 2, which culminated in a mass demonstration on October 5 by half a million citizens calling for Milosevic to give up power. Kostunica declared himself President of Yugoslavia that night and 2 days later Milosevic conceded electoral defeat. A federal government was formed by the DOS and the SNP (Socialist People's Party). At the Serb republic level, a three-way interim power sharing government was formed by the DOS, the SPS (Socialist Party of Serbia), and the Serbian Renewal Movement until the December 24 republic elections. Milan Milutinovic remained President of the Republic of Serbia.

There are no legal restrictions that hinder women's participation in government and politics, and women are active in political organizations; however, they are underrepresented greatly in party and government offices, holding less than 10 percent of ministerial-level positions in the Serbian and Federal Governments. Until Milosevic's defeat, his wife Mira Markovic was an exception. She was the leading force in the neo-Communist Yugoslav Left Party, through which she exerted extraordinary and disproportionate influence on policy makers, including her husband. On November 27, female political activists announced that 10 DOS parties agreed to fill at least 30 percent of the places on the party list for the Serbian parliamentary elections with female candidates.

There are no legal restrictions on the role of minorities in government and politics; however, they are underrepresented and ethnic Serbs and, to a certain extent, Montenegrins dominate the country's political leadership. Montenegro boycotted the September 23 elections. Few members of other ethnic groups play any role at the top levels of government or the state-run economy; however, Rasim Ljajic, a Sandzak Muslim leader, was appointed the Federal Minister for Minority Affairs in

November. Ethnic Albanians in Kosovo refused to take part in the electoral process at the Serbian republic and federal level, including most recently in federal presidential elections in September. Serbs in Kosovo participated in the September elections, but with low voter turnout.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Milosevic regime routinely hindered the activities of and regularly rejected the findings of human rights groups.

A number of independent human rights organizations operate in the country, researching and gathering information on abuses, and publicizing such cases. The Belgrade-based Humanitarian Law Center and the Center for Antiwar Action research human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. The Belgrade-based Helsinki Committee for Human Rights in Serbia publishes studies on human rights issues and cooperates with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. In the Sandzak region, two committees monitor abuses against the local Muslim population and produce comprehensive reports. Most of these organizations offer advice and help to victims of abuse.

Throughout the summer, Serbian police cracked down on Belgrade's human rights NGO's, including the Helsinki Committee, the Center for Anti-War Action, and Women in Black Against War. Each organization reports that it was visited and harassed by police in an effort to intimidate the NGO's and document their sources of international support. In June police closed the offices of Women in Black Against War. In a related move, the premises of the Forum for Ethnic Relations also were shut and sealed.

In August the Yugoslav Army announced that it would bring charges against Natasa Kandic, the head of the Humanitarian Law Center. The Yugoslav Army's Information Service alleged that Kandic breached the Law on Information when she published the article "I Will Not Keep Quiet About Horrors" in the independent newspaper Danas. Kandic published a defiant response to the army. The VJ did not initiate charges against Kandic, and threats and harassment against her stopped after October 5.

Citing "political activities," police in Leskovac removed the Human Rights Protection Committee from the register of social organizations and citizens' associations in the southern Serbian town in August. At the same time, criminal charges were filed against the director of the organization for the improper receipt of money.

With some exceptions, the Milosevic Government's Federal Ministry of Foreign Affairs systematically denied visas to international nongovernmental human rights organizations.

In 1999 as a result of their actions in Kosovo, the ICTY formally indicted as war criminals former President Milosevic and four other senior officials, including Serbian President Milan Milutinovic, Yugoslav Deputy Prime Minister Nikola Sainovic, Chief of Staff of the Yugoslav Army Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vlatko Stojiljkovic. President Kostunica has made public statements that he opposes the extradition of any indictees to the ICTY.

On December 11, a court in Uzice convicted and sentenced nine men for "kidnaping" indicted Bosnian Serb war criminal Stevan Todorovic and handing him over to NATO forces in Bosnia in September 1998. On December 13 in the Hague, Todorovic pled guilty to ethnic cleansing.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

While federal and republic-level laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women, in practice the legal system provides little protection to such groups.

Women.—Violence against women is a problem and the traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities. There is no trained police unit to provide protection or assistance to female victims of sexual or other violence. The Center for Autonomous Women's Rights in Belgrade offers a rape and spousal abuse hot line, as well as sponsors a number of self-help groups. The Center also offered help to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia. The Criminal Code does not recognize spousal

rape as a criminal offense; rape is defined as forced sexual intercourse between a man and a woman who are not married.

The country served as a source, transit, and destination point for trafficking in women for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

Women do not enjoy status equal to men, and relatively few women obtain upper level management positions in commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. Women legally are entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage is 11 percent lower than the average wage of men. Women are granted maternity leave for 1 year, with an additional 6 months available. Women are active in political and human rights organizations. Women's rights groups continue to operate with little or no official acknowledgement.

Children.—The State attempts to meet the health and educational needs of children. The educational system provides 8 years of mandatory schooling. However, economic distress has affected children adversely in both the education and health care systems.

Prior to the conflict in Kosovo, the division of Kosovo into unofficial parallel Serb and Albanian administrative systems resulted in Serb and ethnic Albanian elementary age children being taught in separate areas of divided schools, or attending classes in private shifts. Older ethnic Albanian children were attending school in private homes. The quality of education thus was uneven before the conflict started, and the tension and division of society in general was replicated to the detriment of the children (see Kosovo annex).

There is no societal pattern of abuse of children.

The country served as a source, transit, and destination point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

People with Disabilities.—Facilities for persons with disabilities are inadequate and the Government did not make any efforts during the year to address the problem. The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities.—Religion and ethnicity are so closely intertwined as to be inseparable. Incidents of discrimination against, and harassment of, religious minorities continued, especially in Serbian Sandzak.

The Keston Institute reported that on September 26, a group of 13 young men attacked 2 Romani women and one Romani man, all members of a Romani Pentecostal church in Leskovac, with sticks, bats, and chains. The attack took place 2 days after three young men interrupted the church's evening services and threatened the congregation, throwing firecrackers and shouting that they would force the Roma to leave town. The church reported the incidents to the local police, who advised them to file charges against the men. As of November 24, the attackers had not been found, but no further incidents had occurred.

Societal violence against the Catholic minority in Vojvodina, largely consisting of ethnic Hungarians and Croats, was reported. In addition, Catholic churches frequented by the Croat minority were attacked, although there were few reports of this type of activity during the year.

National/Racial/Ethnic Minorities.—Ethnic Albanian leaders in the cities of Presevo, Bujanovac, and Medvedja in southeastern Serbia complained of discrimination by Serbian authorities. Very few ethnic Albanians are employed by municipal governments in the region. In part, the problem is due to the refusal of Serbian authorities to recognize the credentials of ethnic Albanians who completed their higher education in Kosovo under the post-1989 parallel system.

There were incidents of official discrimination against the Romani population and skinheads and police occasionally violently attacked Roma (see Section 1.c.). The European Roma Rights Center reported that a group of skinheads attacked two 15-year-old Romani boys in Vranje on April 29. The boys were punched and beaten with baseball bats; one boy reported two broken ribs. In Nis a group of skinheads beat a 15-year-old Rom. Two of the attackers eventually were fined \$10 (600 dinars). In May a 13-year-old Romani girl was attacked by a group of her fellow students and several skinheads with a knife. After the incident, police interrogated the girl and threatened to arrest her parents if she did not admit she was lying. In August several Romani families in Belgrade reported that skinheads repeatedly throw rocks at their houses, often breaking windows, shout racist insults, and threaten to set Romani houses on fire.

Roma have the right to vote, and there are two small Romani parties in Serbia. One of the four deputy mayors in Kragujevac is a Rom. However, prejudice against Roma is widespread. For example, in Sabac, in western Serbia, Roma are barred from using a municipal swimming pool that is owned by the president of the local branch of the Serbian Radical Party. According to Human Rights Watch, on June 7, police leveled Roma homes in Belgrade, alleging that they were built in breach of zoning laws; police made racial insults and slapped and kicked some of the Roma who were forced out of their homes. Local authorities often ignore or condone societal intimidation of the Romani community.

In Vojvodina in November police beat and threatened Hungarian journalist Peter Aradi. Otpor reported that police dragged Aradi from a table in a pizzeria where he was dining, threw him to the floor, and placed a gun barrel in his mouth. He then was taken to the police station and beaten. Before Aradi was released, the police reportedly forced him to kneel, hold a Bible, and “say something in Serbian.”

Section 6. Worker Rights

a. The Right of Association.—All workers except military and police personnel have the legal right to join or form unions. Unions are either official (government affiliated) or independent. The total labor force is approximately 2.3 million persons. The government-controlled Alliance of Independent Labor Unions (Samostalni Sindikati, or SSS) claims 1.8 million members but probably numbers closer to 1 million in reality. The largest independent union is the United Branch Independent Labor Unions (Nezavisnost), which has about 170,000 members. The third largest union is the Association of Free and Independent Trade Unions (AFITU), which has about 50,000 members. Most other independent unions are sector specific, for example, the Independent Union of Bank Employees (12,000 members). Due to the poor state of the economy, over one-half of union workers are on long-term mandatory leave from their firms pending increases in production. The independent unions, while active in recruiting new members, have not yet reached the size needed to mount countrywide strikes. The independent unions also claim that the Milosevic regime prevented effective recruiting through a number of tactics, which included preventing the busing of workers to strikes, threatening the job security of members, and failing to grant visas to foreign visitors who support independent unions.

The largely splintered approach of the independent unions has resulted in few achievements in terms of increased wages or improved working conditions. The Nezavisnost union gained new members as a result of its well-organized and tough bargaining positions during strikes of teachers and health workers in 1998 but has not led any strikes since then; it has focused instead on political action campaigns aimed at raising workers’ political awareness. The official union lost credibility with some of its members because it ultimately accommodated the Milosevic regime’s position on these strikes.

The International Confederation of Free Trade Unions’ 2000 Annual Survey of Violations of Trade Union Rights alleges that Serbia’s labor laws still favor the official trade union and heavily restrict the right to strike. The report also alleges that the independent union Nezavisnost continued to face discrimination.

The ability of unions to affiliate internationally remains constrained.

b. The Right to Organize and Bargain Collectively.—While this right is provided for under law, collective bargaining remains at a rudimentary level of development. Individual unions continue to be very narrow in their aims, unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal workers’ benefits, etc.) on which to negotiate. The overall result is a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. Additionally, job security fears, which stem from the high rate of unemployment, limited workers’ militancy.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the country served as a source, transit, and destination point for trafficking in women and girls for the purpose of forced prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial “retail” jobs, typically

washing car windows or selling small items such as cigarettes, although this practice apparently is somewhat less widespread, since adults lacking other options for employment have taken many of these jobs. With an actual unemployment rate (registered unemployed plus redundant workers who show up at the workplace but perform only minimal work) in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur, apart from girls who are trafficked for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—Large government enterprises, including all the major banks, industrial, and trading companies generally observe minimum wage standards. The monthly minimum wage is approximately \$15 (900 dinars). However, this figure is roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage is at the low end of the range of average net salaries, \$50 (3,000 dinars) per month. The minimum wage is insufficient to provide a decent standard of living for a worker and family. The cost of food and utilities alone for a family of four is estimated to be \$120 (7,200 dinars) per month. According to one report, workers' salaries fell 34 percent during the year. Private enterprises use the minimum wage as a guide but tend to pay somewhat higher average wages.

Reports of sweatshops operating in the country are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In light of the competition for employment and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, and trafficking is a problem. There are laws that could be used to prosecute traffickers although the Milosevic regime showed little interest in addressing the problem. There continues to be little information available on trafficking, although Serbia is a source, transit, and destination country for women and girls trafficked to other parts of Europe for forced prostitution. There were no reports of individuals prosecuted for trafficking.

Belgrade is a transit point, and to a lesser extent, a destination point, for trafficking in women and girls. Reportedly women from Russia, Ukraine, Moldova, Bulgaria, and Romania are trafficked to and through the country. There were also reports that women were trafficked through the country to Bosnia-Herzegovina, where they either stayed and were forced to work as prostitutes or were trafficked to other countries. Women are trafficked to Italy, Greece, Germany, the Netherlands, France, and other Western European countries. Women trafficked to Italy often are sent through Montenegro (see Montenegro annex).

Women often are recruited to work abroad through advertisements for escort services, waitresses, and personal advertisements for marriage offers or lonely hearts columns, and then forced into prostitution. Federal legislation allows escort agencies to be registered and advertise; many of these agencies are involved in trafficking.

There are no statistics available for children trafficked to other countries; however, the International Helsinki Federation for Human Rights reports that children, mostly Roma, are kidnaped and used for prostitution, begging, and stealing.

There are no Government trafficking prevention programs or services for victims. A very small number of NGO's deal with trafficking issues. Awareness of human trafficking is low; however, the problem received some media attention.

KOSOVO

Kosovo continued to be administered under the civil authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council Resolution 1244. This resolution recognized the continuing sovereignty of the Federal Republic of Yugoslavia (Yugoslavia) over Kosovo but also called for "substantial autonomy and meaningful self-administration." UNMIK began to establish a civil administration in June 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav military, police, and paramilitary forces from the province. The chief administrator of UNMIK during the year was the Special Representative of the Secretary General (SRSG), Dr. Bernard Kouchner. Within UNMIK the Organization for Security and Cooperation in Europe (OSCE) was made responsible for institution building, democratization, and human rights. To provide for greater Kosovar inclusion in civil administration and to cir-

cumvent the risk of quasigovernmental or “shadow” governmental entities, in February UNMIK established the Joint Interim Administrative Structure (JIAS). Under the direction of the SRSG and his designated representatives, international and local experts shared policy and advisory responsibility for providing social services and collecting revenues. On October 28, UNMIK conducted elections throughout Kosovo for members of municipal assemblies with wide participation by both political parties and voters other than Serbs. Serbs, citing security concerns and a lack of freedom of movement, declined to register and boycotted the elections. Although there were some logistical problems and voting irregularities, the elections were held without significant violence or obstacles. Election observers concluded that they were carried out in accordance with international democratic standards and met the criteria for credible elections. The elected municipal assemblies were sworn in and took their seats in November; the SRSG appointed members of municipal assemblies in three Serb-majority municipalities where there was no election, and these took their seats in December. UNMIK Regulation 1999/24 established that applicable law in Kosovo would include UNMIK regulations and those laws in effect in Kosovo as of March 22, 1989, the code in effect before the regime of Slobodan Milosevic abolished the political autonomy of Kosovo. This created a complex and in some cases incomplete set of codes. UNMIK issued a series of interim regulations to address the civil and legal responsibilities of governmental entities and private individuals. UNMIK regulations bound all public officials, including judges, to respect international human rights law. The law provides for an independent judiciary; however, the legacy of ethnic conflict and Yugoslav oppression was an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases involving ethnic disputes.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo (Kosovo Force, or KFOR), which included forces from all 19 NATO countries and over 20 non-NATO members, maintained internal security and defense against external threats. KFOR also assisted UNMIK's multinational civilian police corps (U.N. International Police, or CIVPOL) in its role as uniformed and criminal police. Of 4,718 regular, border, and special police positions authorized for Kosovo, contributing countries deployed about 4,000. The OSCE-run Kosovo Police Academy trained over 3,000 local police officers for the newly established Kosovo Police Service (KPS). The KPS partnered with CIVPOL in field training. CIVPOL later began to transfer basic policing functions to KPS in some areas, while continuing to provide oversight. Several hundred additional KPS recruits continued training, and the OSCE was on schedule to have over 4,000 KPS trained by the spring of 2001. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), began training to respond to civil and medical emergencies. The International Organization for Migration (IOM) coordinated several dozen humanitarian projects for the KPC, often in collaboration with nongovernmental organizations (NGO's). Some members of KFOR, CIVPOL, and the KPC occasionally committed abuses.

A long history of mismanagement by Yugoslav Federal and Serbian authorities left the economy in poor condition even before armed conflict resulted in the massive destruction of property and economic enterprises. Key industries before the conflict were mining, metallurgy, and related manufacturing enterprise. The prewar economy also had a substantial agrarian sector. Unemployment among the predominantly ethnic Albanian population was estimated at 62 percent. Unemployment rates were much higher among Serb and other minority communities, although some Serbs continued to receive stipends or pensions from Yugoslavia. International organizations and donors continued their programs to improve the infrastructure and provide a regulatory climate conducive to enterprise and investment. About 70 percent of small and medium-sized private enterprises restarted activities. However, the instability of the region, coupled with the destruction of property records and a still weak legal and regulatory framework, caused private capital investment to lag. The privatization of state enterprises stalled pending the resolution of significant property issues. Domestic energy generation capacity was about 50 percent of demand, and energy import arrangements remained uncertain. Remittances from relatives abroad and foreign aid were important sources of national income. Significant criminal economic activity took place, especially in the fuel sector. International financial institutions estimated gross domestic product at less than \$400 per capita.

UNMIK generally adhered to international human rights standards in its administration of the province; however, serious problems remained, largely as a result of ongoing interethnic tensions. A few killings resulted from attacks that appeared to be politically motivated. Citizens continued to be killed by landmines planted by combatants during the 1999 conflict. Some kidnappings and disappearances contin-

ued. Approximately 3,600 persons also were missing and unaccounted for as a result of the armed conflict in 1999, including approximately 2,750 Albanians, 500 Serbs, and 300 members of other ethnic groups. The International Criminal Tribunal for the Former Yugoslavia (ICTY) exhumed 3,620 remains in 1999 and 2000, of which about 1,260 remains were still unidentified. There were some reports of the excessive use of force by KFOR and CIVPOL during arrests. Early in the year some KPC members were accused of committing incidents of intimidation and extortion. In the course of carrying out their law and order enforcement functions, KFOR and CIVPOL at times used arbitrary arrest and detention, and lengthy pretrial detention remained a problem. The judiciary was subject to bias and outside influence, particularly in interethnic cases, and did not always ensure due process. Some newspapers engaged in hate speech or printed articles providing personal details of alleged war criminals or collaborators. After some of those individuals were attacked, UNMIK issued a temporary regulation that prohibited articles that might encourage criminal activity or violence. Some observers in both the local and international media criticized this regulation as an infringement of freedom of the press. In order to prevent the potential for large, unruly gatherings, UNMIK occasionally limited freedom of assembly. There were some limits on freedom of movement. Over 150,000 Kosovar Albanians returned to the province during the year; only a few ethnic Serbs and other minorities returned. Rape, violence, and discrimination against women remained serious problems. Religious tension and violence continued. Ethnic Albanians destroyed approximately 20 Serbian Orthodox churches during the year, with a total of 100 destroyed since June 1999 in retaliation for Yugoslav troops' earlier destruction of mosques. Societal violence against ethnic Serbs, Roma, and other minorities was widespread, but decreased somewhat during the year. A total of 245 civilians were killed and 522 cases of arson were reported during the year. Most murders of minorities were rooted in ethnic retaliation; other killings more often were connected to criminal enterprise, political factionalism, and private feuds. Societal discrimination continued to target Roma, in retaliation for the group's alleged collusion with Serbs in the period before and during the NATO bombing campaign. The approximately 100,000 Serbs who remained in Kosovo live primarily in the north or in enclaves under the protection of KFOR. While a few Serbs and other minorities who left Kosovo in 1999 came back, security conditions did not permit large-scale organized returns. Worker rights are not developed fully, and child labor persists. Trafficking in women and girls to and through the province was a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—KFOR forces killed several individuals during operations. UNMIK and military authorities investigated these killings, but found no circumstances in which those responsible had acted improperly. On February 15, snipers wounded two KFOR soldiers. The soldiers responded by killing an Albanian and wounding at least four persons whom they said were firing at them from the rooftops. More than 35 other Albanians were detained on suspicion of involvement in the sniping. In August KFOR troops killed two Albanian males, claiming self-defense; some reports suggested that the two Albanians were shot in the back, and KFOR relieved at least one soldier of his duties pending investigation. On December 17, in Leposavic (Leposaviq),² two Serbs were killed and one wounded after rioters protesting the arrest of a Serb man for the attempted murder of a KPS officer surrounded a U.N. police station guarded by KFOR soldiers and took seven KFOR soldiers hostage. One Serb was killed by gunfire; a KFOR commander reported that soldiers had fired warning shots that may have ricocheted and hit a protester. The other Serb died of a heart attack.

In January authorities accused a KFOR soldier, Sergeant Frank Ronghi, of raping and killing a 12-year old Albanian girl. A military tribunal subsequently convicted Ronghi and sentenced him to life in prison.

In July 1999, KFOR arrested three members of a Kosovo Serb family for shooting and killing an Albanian man and wounding a second. In July the court trying the case heard credible evidence from KFOR that KFOR snipers were responsible for the shootings when called to the scene of an altercation (see Section 1.d.).

Several killings appeared to be politically motivated. Some killings and attacks apparently were related to the October municipal elections. The majority of reported political intimidation attempts, which included drive-by shootings, kidnapping, and

² Throughout this report, dual town names are given: The Serb town name, followed by the Albanian name in parenthesis, except where towns universally are known by one name.

arson, were said to be aimed at representatives of the Democratic League of Kosovo (LDK), led by Ibrahim Rugova, although other political parties subsequently reported nonlethal attacks as well. The LDK's rival, the Democratic Party of Kosovo (PDK) led by Hashim Thaci, the former head of the KLA, often was cited as being behind the attacks, although nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. UNMIK police rarely were able identify perpetrators. Human Rights Watch (HRW) reported that on June 15, two men wearing KLA badges killed senior LDK politician Alil Dreshaj. On August 4, the burned body of Shaban Manaj, an LDK politician and lawyer from Istok (Istog), was discovered following his disappearance 2 weeks earlier. On November 23, Xhemal Mustafa, cofounder of the LDK and President Rugova's press adviser was killed by unknown gunmen in the stairwell of his apartment building in Pristina. No arrests had been made by year's end. Attacks against LDK functionaries occurred in most other regions of the province as well.

Unknown assailants killed two former KLA officers in April and May, respectively, shooting Besim Mala, also known as "Commander Murrizi," in the streets of Pristina, and Ekrem Rexha, also known as "Drini," in Prizren. UNMIK police attributed their killings to business disputes, rather than political motives. On July 12, a supporter of Ramush Haradinaj, a politician and former senior KLA commander, was murdered. On September 20, police found the body of Skender Gashi, a KPC officer and former KLA commander, in Orahovac (Rahovec); he had disappeared 2 days earlier. Local speculation included political, ethnic, and criminal motives for these killings, while the police attributed the murders to personal disputes.

Unknown assailants killed one journalist, Shefki Popova, in September in Vucitrn (Vushtrri) (see Section 2.a.). Popova was listed as a Social Democratic Party candidate in Vucitrn (Vushtrri)'s municipal elections.

The number of killings in the province decreased from the total recorded up to June 1999, when Yugoslav armed forces and Serbian police withdrew from the province, and also from the total recorded in the second half of 1999, about 400 killings. According to available figures, there were 245 murders during the year, including 146 Albanians, 55 Serbs, 9 Bosniaks, 12 Roma, and 23 of unknown or "other" category, including 2 KFOR soldiers. U.N. police made arrests in only 2 to 3 percent of murder cases. Most murders of Serbs and other minorities were ethnically motivated (see Section 5), but the majority of murders of Albanians apparently were connected to family and economic rivalries and criminal activities.

On February 29 in Srbica (Skenderaj), a Kosovar Albanian, Faton Hajrizi, killed a KFOR soldier. Hajrizi was arrested for the killing a number of times during the year and escaped from prison. He was rearrested in December and remained in custody at year's end. A second KFOR soldier was found dead, a presumed homicide, at the end of April; no perpetrator has been identified.

Rexhep Luci, Pristina's director of urban planning, was killed in September. Kosovars and outside observers attributed the killing to Luci's role in heading up UNMIK's program to tear down illegal construction. Local commentators expressed grave concern that the killing would hinder efforts by Kosovar officials to establish civil order.

On November 22, an explosion at the Pristina residence of Stanimir Vukicevic, the Yugoslav representative in Kosovo, killed one man and injured three others. The attack apparently was intended to protest the participation of Kosovo in the December Serbian parliamentary elections.

In December 1999, an ethnic Albanian former judge was killed. He had worked in the Serbian judicial system.

The International Crisis Group reported that in November 1999, five persons were abducted and killed by persons claiming either to be members of the Provisional KPC or the Policia Ushtarake, the KLA's military police, which was outlawed by UNMIK. Their bodies were found around the KLA compound in Lukare, north of Pristina. Four were identified; three as Roma, one as an Albanian woman. All four had been accused locally of having "collaborated" with Serb forces.

Although there was credible evidence of Yugoslav agents and special forces teams in Kosovo, there were no confirmed reports of killings by Yugoslav or official Serbian forces inside the province.

Some Kosovar Serbs continued efforts begun in 1999 to expel Albanians and other ethnic groups from the northern part of Mitrovica. In February, during an increase in violence in that city, groups of Serbs, reportedly including Serbian police, attacked ethnic Albanians on several occasions, killing eight civilians. The attacks were viewed as retaliation for a grenade attack on a U.N. High Commissioner for Refugees (UNHCR) bus that killed two Serbs traveling from Mitrovica. During the month of February, over 1,500 Albanians, Muslim Slavs, and Turks fled their homes

in the north side of the city, and Serbs withdrew from southern Mitrovica, where they were a minority (see Section 5).

As a result of the 1999 armed conflict, certain rural areas of the province were filled with unexploded landmines and ordnance. Landmines and ordnance explosions killed 93 persons from June 1999 to April and injured more than 300. The U.N. Mine Action Coordination Center (MACC) in Pristina accredited 16 international demining organizations in Kosovo. Well over 1,000 persons were involved in the demining effort in the province, clearing 8,980 mines, 4,932 cluster bomb units, and 5,774 other ordnance. KFOR and MACC cleared over 16,000 houses, 1,165 schools, 1,056 miles of roads, and 124 miles of rail tracks. International organizations and NGO's undertook a widespread public education campaign on mines.

Virtually no town or settlement escaped the effects of the Milosevic regime's campaign of ethnic cleansing in 1999, with reports of dozens, sometimes hundreds, of civilians murdered in each town. Kosovo's still fragile investigative, judicial, and penal systems, in addition to ICTY, worked to ensure that perpetrators were identified and punished. Beginning in mid-1999, the ICTY began its program inside Kosovo, and carried out investigations in support of ongoing and future proceedings against presumed war criminals, including exhuming mass graves to permit the identification of victims of the war and ethnic cleansing. By year's end, the ICTY completed the exhumation of remains, begun in 1999, of some 529 graves, uncovering for identification the remains of 3,600 persons over the 2-season exhumation period. In May UNMIK issued a regulation establishing the Victim Recovery and Identification Commission (VRIC), primarily charged with identification of remains. Working with families on the basis of information they provided, details of the events, and the recovery of clothing and personal effects, the VRIC was able to positively identify victims. The remains of about 1,400 victims were unidentified at year's end.

UNMIK suspended efforts to create a local Kosovo War and Ethnic Crimes Court due to lack of funding, concern over the scope of its mandate, and possible redundancy in view of the presence of international judges.

Proceedings began in the Kosovo courts to adjudicate about 40 cases of alleged war crimes and genocide arising from the conflict, as well as murder cases dating from the period starting in June 1999. Of these, one war crimes case was decided on September 20, with the conviction in Gnjilane (Gjilan) of Kosovar Serb Milos Jokic for murder, attempted murder, and rape. He was sentenced to 20 years in prison.

b. Disappearance.—Individual disappearances and kidnappings continued. In June an angry crowd of Serbs attacked UNMIK offices in Strpce (Shterpce) over the disappearance of a Serb shepherd. Marjan Melonasi, a journalist for Radio-Television Kosova who was half Serbian, disappeared in Pristina around September 9 (see Section 2.a.). Human rights organizations and police confirmed the kidnapping or disappearance of several young women each month. Most but not all of these victims reportedly eventually reappeared or were found, many after they were raped.

As a result of the 1999 armed conflict, and despite the efforts of the International Committee of the Red Cross (ICRC), the ICTY, and other local and international organizations, the fate of over 3,600 persons (2,750 Albanians presumed taken by Serbs, 500 Serbs presumed taken by Albanians, and 300 members of other ethnic groups) remained unknown at year's end. Withdrawing Yugoslav forces also took more than 2,000 Albanian detainees with them into Serbia; Serbian authorities released over 1,300 by year's end, reputedly after payment to Serb middlemen by detainees' families in most cases.

Both the ICTY and the VRIC, assisted by other international governmental and nongovernmental entities, continued their work to identify bodies exhumed from mass gravesites (see Section 1.a.). ICTY and other international experts did not expect to find many new mass graves. A clear gap continued between the 1,260 unidentified remains and the 3,600 persons reported to the ICRC as missing and unaccounted for at year's end. Efforts by governments, international organizations, and NGO's to determine the fate of these missing persons, including through pressure on Yugoslavia, did not lead to any results.

In August the U.N. High Commissioner for Human Rights named a Special Envoy for Persons Deprived of Liberty in Connection with the Armed Conflict in Kosovo. In September the SRSG announced the establishment of an office in Pristina for detainees and missing persons.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The law prohibits torture and other cruel forms of punishment, and CIVPOL and KFOR largely respected the law in practice; however, there were sporadic reports of the use of excessive force during arrests and other abuses. Military authorities reported in September that nine members of a KFOR unit, including four officers,

were disciplined following an investigation into allegations of excessive force, beating of suspects, and sexual assault on women at checkpoints and while on patrol. KFOR used tear gas to disperse a peaceful demonstration in Mitrovica (see Section 2.b.).

Some reports suggested that KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. In response UNMIK and KFOR put into place a KPC disciplinary code and a compliance enforcement framework, which assigned responsibility for investigating and disciplining KPC compliance violations and criminal actions. At KFOR's insistence, all six KPC zone commanders were rotated in October. By the end of the year, documented instances of KPC non-compliance had decreased significantly.

International organizations reported that in the first half of 1999, Serb forces subjected ethnic Albanian women to illegal confinement, rape and other forms of torture. ICTY has ruled that the definition of war crimes includes the Serb use of rape and sexual assault against ethnic Albanians. Kidnapings and mass rapes occurred in Djakovica (Gjakova), Pec (Peja), and Drenica, using local hotels and army camps as mass rape sites, and gang rapes of women occurred in their homes or on the side of the road. Assaults killed male family members who tried to intervene and women who tried to escape. According to credible information, individual KLA soldiers and other Albanians raped Serb and Roma women in the months following Yugoslavia's withdrawal in 1999. Since then, police have registered over 95 individual rape and attempted rape complaints, but there has been no strong ethnic pattern, nor evidence to suggest organized sexual abuse of minority women. However, rape is underreported significantly due to the cultural stigma attached to victims and their families (see Section 5).

Numerous attacks on political figures, particularly members of the LDK, were reported, both before and after the October municipal elections (see Section 3). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases.

In early December, unknown assailants attempted to kill Hajvas Berisha, a former commander of the KLA and a KPS member, in Pristina. UNMIK arrested three of the alleged assailants; however, because the case involved a family blood feud, no charges were filed against the assailants because the case was settled out of court through traditional Albanian feud mediation methods.

KFOR arrested a group of Serbs in Gracanica in September in possession of a large cache of explosives and arms. The Serbs reportedly were planning terrorist acts against UNMIK and other international entities. Two were reportedly officers of a special forces unit of the Yugoslav Army (VJ).

There were some reports of attacks and intimidation of UNMIK and KFOR officials. In February, a KFOR soldier was shot by unknown assailants while escorting Serb children from school in Gnjilane (Gjilan), apparently in retribution for the killing of two Albanian males by KFOR soldiers earlier in the year. On September 12, Vjosa Dobruna, the Kosovar co-chair of the Department of Civil Society and Democratic Governance, reported that her car was broken into and moved from its parking place; nothing was missing or stolen. On December 7, Serbs beat a U.N. policeman during an inspection of suspected weapons caches in northern Mitrovica. On December 19, unknown persons attacked the UNMIK building in Zubin Potok with automatic gunfire and grenades.

Prison conditions meet prisoners' basic needs of food, sanitation, and access to medical care; however, facilities are in need of further refurbishment and repair. Some facilities are overcrowded. UNMIK established the Kosovo Correction Service (KCS), and the OSCE provided training for over 400 of a planned force of 700-plus corrections officers. The KCS, which included international corrections experts as interim administrators, operated 3 prisons in Prizren (with a capacity 100 inmates), Dubrava (with a capacity of 520), and Lipjan (Lipjan). The latter is to be restricted to women and juveniles and eventually after further renovation is to offer space for mentally disturbed prisoners and detainees after further renovation. CIVPOL and KFOR operated four additional detention centers in Pristina, Mitrovica, Pec (Peja), and Gnjilane (Gjilan). KFOR also held detainees accused of war crimes and serious ethnic offenses at Camp Bondsteel, but planned to turn over all detention responsibilities to the KCS by early 2001. In the absence of currently suitable detention facilities for mentally disturbed prisoners, police released a visibly disturbed female detainee from the Mitrovica detention center on August 22; she reportedly committed suicide 3 days later.

Male and female prisoners are separated, and there is a separate facility in Lipljan (Lipjan) for females and juveniles, but there have been cases of older youths who have been held with the general adult population.

Prisons and detention centers permitted the ICRC full access to prisoners and detainees. In the absence of a formal agreement but pursuant to OSCE's mandate for human rights monitoring under UNSCR 1244, they also offered ad hoc access to the OSCE human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—Under UNMIK regulation 1999/24, issued in December 1999, which incorporated a local law in effect as of March 1989 and current practice, police may detain criminal suspects for up to 72 hours without charging them or granting them access to an attorney; however, in many cases, sources reported that CIVPOL used the 72-hour detention authority as a means of minor punishment with no intention of filing charges. The applicable rules of criminal procedure permit pretrial detention for up to 6 months, but UNMIK has decreed by regulation that this period may be extended by up to an additional 6 months in specific circumstances, in the case of crimes punishable by a sentence of over 5 years.

In some instances, the KFOR Commander (COMKFOR) intervened to continue the detention of persons ordered released by the courts but deemed an ongoing security threat. In July the prosecutor in Gnjilane (Gjilan) declined to press charges against Afrim Zeqiri, an ethnic Albanian accused of shooting three Serbs in May, including a child, and an international judge complied with the order to release him (see Section 5). Given the ethnic sensitivity of the case, UNMIK asked KFOR to hold the accused pending review by an international prosecutor. The case has since gone before another panel of ethnic Albanian judges, and was found without merit. Zeqiri has not been released. COMKFOR also held until July two ethnic Albanians accused of killing two Serbs in July 1999, despite the fact that the Pristina district court ordered their release in November 1999. Some accused persons were held for several months pending the five district courts' becoming operational in January and February. For example, in Gnjilane (Gjilan) district, 12 defendants accused of serious crimes were awaiting trial when the court began hearing cases in February; most of these had been in detention for some time, some as long as 7 months. In May 41 Serb and Roma prisoners in Mitrovica went on a hunger strike for several weeks to protest the delay in holding their trials.

Some observers argued that ethnic bias played a significant role in abuses of due process. In July 1999, authorities arrested three members of the Serb Momcilovic family accused of killing an Albanian and wounding another. The newly appointed prosecutor for Gnjilane (Gjilan) indicted the three in January; their trial took place in April, subsequently was adjourned, and did not reconvene until the end of July. Although at that point there was evidence exonerating the defendants of murder, the court ordered further gathering of evidence before convicting them on weapons charges in August and sentencing them to time served. In the meantime, the other 11 (ethnic Albanian) defendants awaiting a functioning court in Gnjilane (Gjilan) were tried in February. Observers also argued that the Momcilovics' detention was prolonged unnecessarily due to the court's refusal in April to admit a video that tended to exonerate them, and to KFOR's failure to perform a sufficiently detailed investigation into the initial incident and transmit the evidence in a timely manner.

Some 300 persons remained in pretrial detention in CIVPOL and KCS prisons and detention facilities and 57 persons remained in KFOR detention.

At the end of the year, the Yugoslav authorities continued to detain approximately 700 Kosovar Albanians in prison in Serbia, charged with alleged crimes arising from the Kosovo conflict. Federal and Serbian laws regarding conspiracy, threats to the integrity of the Government, and terrorism are vague and were abused by the Milosevic regime. Yugoslav authorities released over 1,300 detainees, allegedly through the payment of bribes in some cases. The ICRC was able to gain permission for some family members to visit detainees in Serbia under restricted conditions.

There were no reports of political detainees.

Exile is not permitted legally, and there were no reported instances of its use. However, the continued fear of ethnic Serbs and other minorities of revenge against them by Kosovar Albanians led large numbers to leave Kosovo (about 150,000 Serbs left during and after Yugoslavia's withdrawal), sometimes more or less voluntarily and sometimes under harassment by Albanians. The departure of Serbs and other minorities continued throughout the year.

e. Denial of Fair Public Trial.—Applicable law provides for an independent judiciary; however, the legacy of ethnic conflict and years of Yugoslav oppression were an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases involving ethnic disputes.

Supported by an Advisory Judicial Commission, UNMIK re-established a court system in Kosovo that included the Supreme Court, 5 district courts, 18 municipal courts, the Commercial Court, 13 offices of the Public Prosecutor, and a number of courts for minor offenses. Of those officials appointed by the UNMIK SRSG, 324 judges and 52 prosecutors began work, as well as 377 lay judges to assess the facts of the case. The judicial corps is almost exclusively Albanian; 8 of 12 Serbian appointees refused to serve. UNMIK also appointed members of other minorities, who are serving.

Approximately 15 UNMIK-appointed international judges and prosecutors work in the district courts alongside local judges in sensitive ethnic cases. UNMIK planned for at least two international judges and one international prosecutor in each of the five judicial districts. UNMIK appointed 405 judges and prosecutorial personnel and refurbished judicial facilities. Courts in all five districts began operations.

The law provides for the right of defendants to be present at their trials and to have legal representation, at public expense if necessary; however, local judicial and legal personnel by and large had not worked in the legal system since 1989, and the full exercise of defendants' rights was not ensured.

The defense bar was weak and disorganized as well as rooted in a more passive approach to defense due to years of practice under Socialist and authoritarian codes. A program was underway to improve the bar at year's end. Legal personnel were in the initial stages of learning and applying international human rights laws and conventions. Since UNMIK and the Kosovar legal community have not approved a new bar examination, recent law students and legal personnel may not practice.

Serb lawyers and judges refused to participate in the judicial system established by UNMIK, reportedly encouraged by the Milosevic regime not to accept the Kosovo system by participating in it. This practice effectively denied adequate representation and due process to Serb defendants.

When they began hearing cases in January and February, the courts faced a high backlog of criminal cases of all kinds. By June the courts had tried 695 criminal cases, the vast majority of them petty crimes and crimes against property; only 13 of them were murder cases, and most resulted in fines or prison sentences under 6 months. An update on the number of cases tried was unavailable at year's end.

There was a perception by human rights observers that in cases with Serb defendants or victims, a fair trial was unlikely due to ethnic bias. In July two Kosovar Albanians allegedly shot and injured three Serb Orthodox clerics (see Sections 2.a. and 5). Police arrested the accused, who were charged with attempted murder. When confusion and miscommunication led the victims missing a court date, the Albanian judge and prosecutor ordered the release of the defendants from pretrial detention. The court president subsequently rescheduled the hearing, and UNMIK assigned an international prosecutor to the case.

After the NATO campaign and Yugoslavia's withdrawal from Kosovo, Kosovar Albanian judges were unanimous in rejecting Yugoslav and Serbian law. On December 12, 1999, UNMIK issued Regulation 1999/24, which defined applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel were enjoined to apply the Kosovo code in effect in 1989 first, and to proceed to the Yugoslav and Serbian codes to the extent that the first was incomplete. UNMIK Regulation 1999/24 bound all public officials to respect international human rights laws and conventions; although they initially largely were unacquainted with these, international organizations and NGO's implemented programs to increase awareness and application.

Kosovar and European legal experts reviewed the compilation of applicable criminal law to ensure compliance with generally accepted international standards. Legal experts then reviewed a criminal code for Kosovo based on the regulation's guidance, but have not yet issued the new codes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Under UNMIK, authorities generally respected these rights; however, individuals occasionally accused KFOR and U.N. Police of using excessive force and improper behavior in executing weapons searches in private homes, including breaking down doors and destroying personal property.

In Mitrovica Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. Albanians in the southern part of Mitrovica continued to refuse Serbs access to their property there as well. Civilians were also responsible for the destruction, often through arson, of private property (see Section 5). There were a growing number of credible reports of violence and intimidation being used to force Serbs to sell their homes to Albanians at attractive prices.

Respect for private property rights has proved problematic. Withdrawing Yugoslav forces destroyed most existing property records and this, combined with the disruption of 10 years of Serbian authoritarianism and discrimination and the massive property destruction during the conflict, cast doubt over how current occupants of vacated properties could remain where they were living, how owners could reclaim rightfully their property, where returnees and internally displaced persons (IDP's) could live and build, and how potential investors could gain title to land before investing significant sums. UNMIK created by regulation the Housing and Property Directorate and the Housing and Property Claims Commission responsible for resolving property issues and adjudicating disputes including claims for restitution of property lost through discrimination, requests for registration of informal property transaction, and claims by refugees and IDP's who lost their property. However, the Directorate and only had offices in Pristina, although with mobile teams heard disputes elsewhere. The regulation setting up the Housing and Property Claims Commission removed court jurisdiction over private (as opposed to commercial) property disputes. As a result, most property disputes remained unresolved. There were locally administered ad hoc solutions, and unregulated construction proceeded even as solutions for those persons without accommodation still were lacking.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—UNMIK regulations provide a framework for recognition of these rights, prohibit hate speech, and regulate media conduct; however, local media and some international media organizations and attorneys criticized UNMIK regulations on speech and the press as undemocratic and an infringement on the freedom of speech and of the press.

UNMIK Regulation 1999/24 requires that public officials respect international human rights laws and conventions, including the Universal Declaration of Human Rights, which recognizes freedom of speech and of the press. Through its regulation establishing the Department of Post and Telecommunications, UNMIK asserts control over broadcasting infrastructure; the OSCE oversees the Department of Media Affairs. In February UNMIK issued Regulation 2000/4, which prohibited hate speech and speech that incites ethnic violence.

In June UNMIK issued Regulations 2000/36 and 2000/37 on the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board. The TMC is responsible for publishing a broadcast code of conduct and issuing licenses, for issuing temporary codes of conduct for print media, and for imposing sanctions, up to and including closing down offending media organs, in the event of violations of UNMIK regulations or published codes of conduct.

Newspapers resumed publishing, and by year's end, there were seven daily newspapers and seven weeklies or monthlies. All newspapers published in Kosovo were printed in Albanian; journals in Serbo-Croatian were printed elsewhere and imported. The main dailies are aligned with different political parties. While flourishing, the print media often acted irresponsibly, publishing inflammatory articles that provided personal data including names and addresses of alleged war criminals or collaborators and inciting violence against political personalities. For example, the daily Dita published an article on Petar Topoljski, an UNMIK Serb employee who subsequently was murdered (see Section 5). In reaction UNMIK promulgated Regulations 2000/36 and 2000/37, which prohibited the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise.

In July Dita accused Serbian Orthodox priests of war crimes. The Orthodox Church denied that photographs published with the article depicted any known priests. Two ethnic Albanians subsequently attacked and injured a priest and two seminarians, (see Sections 1.e. and 5). The newly appointed TMC fined the newspaper \$12,200 (DM 25,000). In its decision on Dita's appeal of the fine, the Media Appeals Board ruled that since the situation in Kosovo approximated a state of emergency, UNMIK's regulation did not violate international human rights laws and that Dita's article violated the UNMIK Regulation. However, the Board decided that the TMC did not apply proper procedures in fining Dita, and overturned the penalty.

At year's end, there were over 50 radio and 9 television stations. While the television broadcasts were exclusively in Albanian, several radio stations broadcast in Serbo-Croatian for a Serbian audience, and others, notably Radio Kontakt (which also broadcast in Albanian, Turkish, and English) aimed at a broader multiethnic audience.

There were some attacks on journalists. Radio Kontakt was the target of a grenade attack on April 17. On June 20, Valentina Cukic, an editor of Serbian lan-

guage programming for Radio Kontakt, was shot and wounded in Pristina while wearing her KFOR press identification. Radio Kontakt previously had sought protection from CIVPOL, KFOR, and the OSCE in response to threats and violence against the station, which promotes multiethnic programming. In response, CIVPOL provided protection details for Radio Kontakt personnel, as well as security at the station premises. A writer for the daily Bota Sot claimed that an unknown assailant threw an explosive device into his yard in Prizren in August. In September unknown assailants shot, stabbed, and killed Shefki Popova, a newspaper reporter, outside his apartment in Vucitrn (Vushtrri). A radio journalist, Marjan Melonasi, disappeared the same weekend (see Section 1.b.). In October Dita reported that LDK sympathizers on their way to a rally near Urosevac (Ferizaj) beat a radio reporter. Anecdotal evidence suggests that the intimidation of journalists, like other public figures, is underreported due to concerns for personal safety.

The University of Pristina was in full operation beginning with the 2000–01 academic year, with new and pre-1989 staff. The university terminated and expelled six professors who cooperated with Yugoslavia by teaching after 1989, when Kosovo lost its autonomy and a shadow education system was established. UNMIK respected academic freedom.

b. Freedom of Peaceful Assembly and Association.—UNMIK generally respected freedom of assembly; however, occasionally it limited this right.

On February 11, in Mitrovica Serbs in the northern part of the city violently forced Albanians out of their homes, killing eight in the process. Approximately 100,000 Albanian Kosovars marched in protest to Mitrovica from Pristina and other towns en route. Although the march itself was peaceful, KFOR prevented any attempt by the marchers to cross the bridge over the Ibar River into north Mitrovica and used tear gas to disperse those demonstrators who would not leave the bridge area at the end of the march.

Several demonstrations protested against UNMIK and the international community for not doing enough to locate missing persons, including a May hunger strike by about 15 persons in Pristina. In September about 60 persons who had been released from detention in Serbia went on a hunger strike in Dubrava to protest the continued detention of ethnic Albanians by the Belgrade regime.

In September local civil society representatives, joined by political parties and international representatives, organized a “Day Against Violence” as one element of reconciliation initiatives discussed at an overseas conference in July on reconciliation.

In its regulations governing the definitions of and registration requirements for both political parties and NGO’s, UNMIK stated specifically that such regulations did not affect the right to association and UNMIK generally respected this right.

c. Freedom of Religion.—UNMIK respected the right to freedom of religion, and Regulation 1999/24 binds local officials to respect this right under international human rights laws and conventions.

The effects of the Milosevic regime’s oppression in Kosovo still are felt strongly. While the Milosevic regime and its local paramilitaries targeted persons and properties based largely on ethnicity, most Albanians are Muslims, and Yugoslav forces destroyed or damaged a number of mosques and other Islamic facilities prior to their withdrawal in June 1999. Given the strong association between Serbs and the Serbian Orthodox Church, ethnic Albanians attacked churches as symbols of the Serbian regime. Following Yugoslavia’s withdrawal in 1999, over 100 Serbian Orthodox churches were burned or destroyed in retaliation (see Section 5). In light of societal violence against properties owned by the Orthodox Church, UNMIK authorities took steps in the months following the conflict to ensure that members of all religious groups could worship safely, including deploying KFOR security contingents at Orthodox religious sites throughout the province. Because the security situation improved at the end of the year, KFOR began transferring responsibility for security at a very limited number of Orthodox churches to CIVPOL and the KPS.

In July Dita accused Serbian Orthodox priests of war crimes. The Orthodox Church denied that photographs published with the article depicted any known priests. Two ethnic Albanians subsequently attacked and injured a priest and two seminarians, (see Sections 1.e., 2.a., and 5).

Kosovo’s leading Orthodox cleric, Bishop Artemije, continued to reside in Gracanica, near Pristina, citing safety concerns, rather than in the diocesan seat in Prizren. Other leading Orthodox clerics also left their home parishes to reside in Gracanica.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Applicable law provides for freedom of movement; however, both the aftermath of war and practical obstacles restricted such movement in practice. Serbian and Yugoslav forces carried out a deliberate campaign of “identity cleansing”

during the war, confiscating and destroying citizen identification documents and destroying the central and municipal archives and civil registers, with the result that many Kosovars had no documentation of identity. Some persons who retained Yugoslav passports found them invalid or unrecognized by neighboring countries due to the war. UNMIK published a regulation in March that authorized the Central Civil Registry to issue travel documents to any person registered as a habitual resident of Kosovo. The complexities of registering mass numbers of persons without any personal documentation drew out the process. In the interim, the SRSG issued individual travel letters in limited cases, but only a few countries recognized these documents. In September the U. N. submitted a sample travel document to member states for approval. However, because UNMIK was unable to issue identity cards until the end of the year, new travel documents were not issued.

While precise figures are unavailable, substantial numbers of Serbs and Roma fled Kosovo following the conflict. Many displaced Serbs did not register with international agencies, but there are estimates of up to 150,000 Kosovar Serbs in Serbia, with an undetermined small additional number in Macedonia and approximately 30,000 displaced Kosovar Serbs, Roma, and other minorities in Montenegro. Numbers of displaced Roma are also difficult to estimate, although some sources report that as many as 25,000 Roma fled Kosovo in the aftermath of the conflict. Most did not return. Those who remained in Kosovo or who did return led lives restricted by the ethnic threats from some of their Albanian neighbors (see Section 5).

After Milosevic withdrew Yugoslav troops in June 1999, the UNHCR oversaw the return of some 882,000 Kosovar refugees and IDPs from surrounding regions and other countries; about 150,000 have returned since the beginning of the year. While UNMIK and the international community were able to address many of the most pressing problems of the returnees, problems remained in obtaining sufficient housing, social services for the most vulnerable, property records, and education. Based on the establishment of a civil administration by UNMIK, several countries that had offered temporary refuge to ethnic Albanians forced by Milosevic to leave Kosovo ended their programs and began forcing the refugees to return to Kosovo, which tested the capacity of the province to absorb returnees. In October UNMIK asked countries to suspend returns until March of 2001.

About 100,000 Serbs, 30,000 Roma, and 67,000 other minorities remained in Kosovo. Most of the 150,000 Serbs and about 30,000 Roma who fled when Yugoslav forces withdrew did not return, except in individual cases, due to fear of ethnic violence should they return without sufficient security safeguards and due to lack of economic opportunity, housing, and other basic services. UNMIK, the UNHCR, and the international community began a minority stabilization program to address some of these assistance needs. Although the high level of anti-Serb violence that characterized the period just after Yugoslavia's withdrawal decreased significantly, ethnically motivated violence and crime continued to be serious problems for minorities (see Section 5). Several villages that were once ethnically mixed have become almost entirely Albanian, with Serb residents moving to Serb villages elsewhere in Kosovo or leaving altogether. KFOR and UNMIK provided security to enclaves and minority settlements, and escorted minority members who left their residence areas to visit family, gather fuel, shop for food and other goods, attend school, and receive medical care. KFOR regularly escorted convoys of private vehicles, and the UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia. In February a rocket attack on a UNHCR bus killed two Serbs and wounded several more; as a result, the UNHCR suspended bus service for several weeks (see Section 5). Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians. On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war (see Section 5). Most minorities—including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma—lived alongside ethnic Albanians and reported that their security situation improved over the course of the year, although incidents of violence and harassment continued to occur and their freedom of movement is restricted in some areas of Kosovo. The Turkish community is more closely integrated with Albanians and is less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid.

In April the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Albanian leaders visited those areas where local Albanians and Roma were trying to establish more cooperative inter-ethnic relations, thus encouraging a climate conducive to the return of those who fled the province earlier. Roma still experienced difficulty in obtaining freedom of

movement. The degree of harassment by neighboring Albanians varied, with a greater degree of difficulty for the Roma living in Kosovo Polje (Fushe Kosova), Obilic (Obiliq), Podujevo (Podujeva), Lipjan (Lipjan), and Gnjilane (Gjilan) (see Section 5). However, there were areas, notably around Urosevac (Ferizaj) and Djakovica (Gjakova) where Roma, Egyptians, and Albanians reportedly cohabited without major incidents. Both Roma and Serb families were reluctant to send their children to school, citing security concerns.

In early May UNMIK established the Joint Committee on Returns with participation from KFOR, the UNHCR, and the Serb National Council to facilitate and coordinate returns of minorities to Kosovo.

In Mitrovica there were restrictions on freedom of movement due to ethnically based harassment (see Section 5).

There were no reports of the forced return of persons to a country where they feared persecution during the year.

UNMIK and local authorities cooperated with the UNHCR to assist returning refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

From 1989 until NATO's intervention, Kosovar Albanians expressed their frustration with the province's status within Serbia through a boycott of the political system and did not attempt to affect the Government through the electoral process. After the withdrawal of Yugoslav forces in 1999, UNMIK, the OSCE, and other international actors, including donors, began to prepare for municipal elections, with the aim of eventually organizing elections for a Kosovo-wide government. One of the most critical elements of the establishment of both a civil administration and an electoral process was the registration of Kosovo's legitimate residents, following Yugoslavia's "identity cleansing" (see Section 2.d.).

At the conclusion of the electoral registration effort by the OSCE, about 901,000 of an estimated population of over 1 million persons successfully registered. UNMIK established a Central Election Commission, which was charged with establishing electoral rules and with organizing the operational details of the elections; there were also municipal election commissions in each of the 30 municipalities where elections were held. Pursuant to a registration process established in March, 22 political parties, 1 coalition of 6 parties, 3 citizens' initiatives (grassroots organizations formed for political purposes), and 16 independent candidates registered to run for office. Serbs, citing security concerns and a lack of freedom of movement, did not participate in the registration process and boycotted the October municipal elections. Many Turks, due to a dispute with UNMIK over the use of the Turkish language in official documents and procedures also did not participate, although one Turkish political party did. Other minorities participated in registration and in the elections. Several fielded political parties and citizens' initiatives that won municipal seats in the vote or agreed to accept appointed seats after the elections.

Campaigning for the municipal elections began officially on September 13. Earlier in the summer, there was an increase in violence that appeared to be related to the election. Political parties, especially the LDK but also the PDK and other parties, reported attacks on political figures, both before and after the October municipal elections (see Sections 1.a. and 1.c.). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. For example, in June an LDK official was beaten in Urosevac (Ferizaj). On July 18 and 21, LDK officials were attacked in Lipjan (Lipjan). On August 2, Sejdi Koca, an LDK leader in Srbica (Skenderaj), was shot; during that week an LDK official also was shot in Podujevo (Podujeva). On August 18, a bomb attack damaged the office of the Party of Democratic Action, Kosovo's Bosniak party. It was not clear whether the attack was directed at the party office, the office of a Turkish political party nearby where an employee was slightly injured, or the office of the Serb Center for Peace and Tolerance. Supporters of rival political parties challenged LDK activists in Lipjan (Lipjan) several times, once disrupting a rally by hurling objects. The PDK reported that unknown arsonists burned down a neighborhood office in Pristina on September 22. A local newspaper reported that LDK supporters beat a radio journalist. In mid-November, an unknown assailant shot and badly wounded Shkelzen Hyseni, the newly elected LDK assemblyman in Pec (Peja). On November 30, LDK branch committee member Ejup Visoka was shot twice in a drive-by shooting in Podujevo (Podujeva); he was wounded in the arms and stomach. Also in November, unknown assailants attacked the wife of Elez Nikqi, Rugova's bodyguard, cutting her across the throat.

After investigating several of these incidents, on October 3 the OSCE's Election Complaints and Appeals Sub-Commission (ECAC) imposed on political parties a series of penalties. These penalties included fines of up to \$2,400 (DM 5,000) and, in one case, a candidate being stricken from the PDK list of candidates.

Despite the violence in some areas prior to election day, the elections themselves were held on October 28 without significant violence. Voter turnout was high (about 75 percent). International and domestic observers reported some irregularities and logistical flaws. In Pristina a few underage persons were observed voting. Voters' lists were incomplete and cumbersome. Late polling station openings and a lack of crowd-flow systems at many stations resulted in long lines and occasional minor crowd unrest. Election officials were able to address most problems during the course of the day. The Council of Europe observer mission concluded that the elections were carried out in accordance with international democratic standards and met the criteria for credible elections. The LDK won 58 percent of the overall vote, compared with 27 percent for the Democratic Party of Kosovo (PDK) and less than 8 percent for the Alliance for the Future of Kosovo (AAK). A number of small parties won the remaining votes. On November 27, newly elected municipal assemblies were sworn in. Members of the assemblies in three Serb-majority municipalities where elections were boycotted were selected and sworn in during December.

Yugoslav authorities organized polling sites inside Kosovo for those who wished to vote in Yugoslavia's federal elections on September 24. According to UNMIK, which did not itself support this electoral activity but which sent out several hundred "witnesses," approximately 45,000 of roughly 60,000 eligible Kosovar Serbs turned out, but only a handful of Kosovar Albanians voted. The Yugoslav elections were peaceful; however, the voting was conducted in a disorganized, illegitimate, and fraudulent manner. The Serbian opposition alleged fraud and vote tampering in the northern part of the province, including one stolen ballot box in Leposavic and opposition election observers being denied access to polling areas. On December 23, Serbian parliamentary elections took place throughout Serbia, including Kosovo. Although KFOR and CIVPOL monitored the security climate, there was no international "witnessing" effort. No security incidents were reported.

Pursuant to UNSC Resolution 1244, UNMIK established the Joint Interim Administrative Structure (JIAS) for Kosovo, intended not only to provide a joint U.N.-Kosovar administration of services and revenue collection but also to supplant self-appointed administrators and officials throughout the province. The JIAS includes the SRSG, the Kosovo Transitional Council (KTC), the IAC, and 20 administrative departments. The 36-member KTC is designed to reflect the pluralistic ethnic and political range of Kosovar society and is the highest level Kosovar advisory body. The eight-member IAC makes policy recommendations and serves as an executive board for the administrative departments and also includes minority representation. The departments, each with a Kosovar and an international co-head, provide social and administrative services, collect and manage revenues, and implement policies established by the other elements of the JIAS. The structure is mirrored on the municipal level, where municipal councils were elected on October 28.

No legal restrictions exist on women's participation in government and politics; however, they are underrepresented. According to women's groups, few women traditionally entered politics because of a lack of interest, money, education, and family support. Nonetheless, women held 7 of the 36 KTC seats, women led at least 2 political parties, and the UNMIK electoral regulation required that party candidate lists for the municipal elections include a set quota of 30 percent women. However, the "open list" ballot apparently allowed voters to vote around female candidates, resulting in only 76 women elected to office in the October municipal elections, or 8.26 percent of total municipal assembly seats. In addition UNMIK appointed two women as co-heads of departments under the JIAS.

No legal restrictions exist on participation by ethnic minorities in government and politics. The Kosovar co-head positions in JIAS departments are shared by minority groups, with two such positions reserved for Serbs and two for other minority members. A prominent Serb observer sits on the Interim Administrative Council; five Serbs hold positions and five other members of ethnic minorities hold positions on the KTC, as well as one Roman Catholic cleric. Although Kosovar Serbs boycotted the municipal elections, several ethnically based political parties registered candidates.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

UNMIK and the OSCE continued their encouragement of the development of civil society, including domestically based NGO's. A broad range of U.N. agencies and numerous international organizations and NGO's pursued operations in the province

to assist with administration and to provide relief to all Kosovars as they faced the aftermath of war. This included assistance to hundreds of thousands of returning refugees, support for the search for the missing, and social services to ameliorate the effects of trauma. UNMIK issued a regulation in November 1999 on NGO registration. Over 300 domestic NGO's are registered and active in the province.

Human rights monitors including those of the OSCE, as well as some associated with domestically based NGO's, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation. Monitors and observers also looked into reported abuses by members of the KPS, KPC, CIVPOL, and KFOR. The ICRC gained full access to prisons and detention centers throughout Kosovo in exercise of its humanitarian mandate (see Section 1.c.). UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring. Although UNMIK and the OSCE did not reach agreement on procedures, OSCE monitors generally were able to carry out their mandate on an ad hoc basis in most courts and gained limited access to prisons and detention centers.

In June UNMIK established the office of Human Rights Ombudsperson to ensure Kosovars' rights under international human rights laws and to investigate allegations of abuses. Marek Nowicki of Poland was appointed to the position in August, and the Ombudsperson's office opened on November 21.

UNMIK cooperated with the ICTY and ICTY investigators and field teams made numerous trips to the province to investigate alleged war crimes committed there and to gather data, particularly through the exhumation of victims, necessary to the prosecution of such crimes.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

UNMIK's regulation on applicable law specifically prohibits discrimination on the basis of gender, race, religion, or ethnic origin.

Women.—Rape and a high level of domestic violence remained serious, persistent problems. There are no governmental agencies dedicated to coping with family violence. Applicable criminal law, as defined by UNMIK regulation, is incomplete in addressing both domestic violence and sexual crimes. Several domestic and international NGO's pursue activities to assist women, but they are constrained to some extent by a tradition of silence about domestic violence, sexual abuse, and rape. In Kosovo's traditionally male-dominated society, it is culturally acceptable for men to beat their wives; credible sources report that violence against women has increased in the post-conflict period. Few victims of spousal abuse ever file complaints with the authorities.

Rape is underreported significantly due to the cultural stigma attached to victims and their families. Tradition prevents much discussion of the topic of rape among ethnic Albanians, since the act is seen as dishonoring the entire family. The prevalence of rape by Yugoslav and Serbian forces during the conflict has heightened the profile of rape as a form of war crime, but few individual women have come forward publicly. There has been a reluctance to file charges with the ICTY, for example. U.N. Police registered over 95 rapes and rape attempts in the province during the year. However, there is credible anecdotal evidence, supported by customary practice, that rape is underreported significantly.

The province served increasingly as a transit point and destination for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women traditionally do not share status equal to men, and relatively few women obtain upper level management positions in commerce or government, although there is no legal restriction on their doing so. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their families, long have subjected women to discrimination. In some rural areas, women often are little more than serfs, without the ability to exercise a right to control property and children. Women widowed by the recent war risked losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. While legally women and men equally are entitled to inherit property, it is customary that family property passes to men only. Particularly in rural areas, when a man dies, his widow often is returned to her birth family and his family assumes his land, leaving the widow without property.

UNMIK's Office of Gender Affairs worked to coordinate gender issues throughout the programs of all UNMIK offices. It identified a network of gender focal points in all JIAS departments and in UNMIK's regional and municipal offices that were responsible for initiating and implementing gender policy in their respective areas and for facilitating consultation between UNMIK and women's organizations. UNMIK Regulation 1999/24 binds government officials to abide by the provisions of

international human rights law and conventions, but that requirement has not yet benefited women's lives in rural areas.

In population centers, the presence of UNMIK and an unprecedented number of international and nongovernmental organizations has opened a large number of previously unavailable jobs to women. UNMIK police and the OSCE launched an aggressive campaign to recruit women for the Kosovo Police Service (they make up 17 to 20 percent of the force). Women are increasingly active in political and human rights organizations. Women led two political parties, and several professional women worked as NGO and human rights activists.

Children.—UNMIK established the JIAS Departments of Education and Science and of Health and Social Welfare, which address concerns about children's education and health. Following Kosovo's loss of autonomy in 1989, Albanian parents refused to send their children to Serb-run public schools and developed a "shadow" education system. The quality of education was uneven and the divisions inherent in society were replicated in children's schooling. In 1999 conflict and the Serb ethnic cleansing campaign disrupted the spring term of the school year. Although many schools reopened for the 1999–2000 academic year, extensive damage to many school buildings, a lack of educational materials, and persistent electrical power outages hindered the full functioning of the education system. Serb and Roma parents were reluctant to send their children to the reopened schools despite the efforts of the authorities to provide security. As the school year progressed, international organizations rebuilt and equipped schools and the numbers of students enrolled increased.

All schools opened on time for the 2000–2001 academic year. UNMIK issued a regulation on August 30 making enrollment in public school compulsory for children between the ages of 6 and 15 (with only minor exceptions). The regulation made no provision for a waiver due to ethnic concerns. At least one school, in Ponesh (Ponesh), enrolled Serbian in addition to Albanian children, but most minority children continued to attend separate schools. In rural areas, lack of transportation made families reluctant to send girls to school since the prospect of future employment was slim.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children. The health situation for children remained particularly poor. Humanitarian aid officials blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, primarily on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. The high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead at the Trepca industrial complex, likely contributed to poor health conditions as well.

The province served as a destination and transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

There was no societal pattern of abuse of children.

People with Disabilities.—Although the law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services, inadequate facilities and the level of unemployment posed obstacles to the employment of the disabled. The law mandates access to new official buildings; however, it is not enforced in practice.

Religious Minorities.—Religion and ethnicity are intertwined so closely that it is difficult to clearly identify discriminatory acts as primarily religious in origin rather than ethnic. Kosovar Serbs, in particular, identify themselves with the Serbian Orthodox Church, which defines not only their religious but also their cultural and historical perspectives. However, the views of all ethnic groups have been influenced strongly by religion, and some instances of ethnic discrimination or tension may have religious roots.

Although UNMIK continued to take steps to ensure that members of all religious groups could worship safely, Bishop Artemije, the leading cleric of the Serbian Orthodox Church in Kosovo, remained at a monastery in Gracanica, near Pristina, rather than at his seat in Prizren (see Section 2.c.). Despite the KFOR presence, there were attacks on Orthodox churches. In April in Mitrovica a crowd of rock-throwing Albanians attacked Serbs and their KFOR escorts during a religious ceremony for Orthodox Easter. On April 28, unknown perpetrators rigged an antitank device that blew up the church in Grncar (Gerncar); since the Easter service was postponed, congregants were not harmed. After the withdrawal of Yugoslav forces in 1999, ethnic Albanians attacked Serbian Orthodox churches and burned or otherwise destroyed over 100 of them, including 20 during the year. On December 22, unknown assailants threw a hand grenade at the only functioning Serbian Orthodox church in Pristina, breaking windows and causing other damage. The daily newspaper Dita published a story in July that alleged that Orthodox priests committed

war crimes (see Section 2.a.), and assailants subsequently shot and wounded a Serbian Orthodox priest and two seminary students in a drive-by shooting.

National/Racial/Ethnic Minorities.—Although the high level of retaliatory anti-Serb violence that followed Yugoslavia's 1999 withdrawal dropped significantly, ethnically motivated violence and crime continued to affect minorities. Serbs, Roma, and other minorities were victims of murder, kidnapping, assault, and property crimes, especially arson.

On February 2, unknown assailants killed Josip Vasic, a prominent doctor and member of the Serb National Council in Gnjilane (Gjilan). Also on February 2, unknown assailants fired on a KFOR-escorted, UNHCR bus traveling to Mitrovica from the Serb village of Banja carrying 49 Serbs, and killed 2 persons. In Novo Brdo (Novoberde) district, unknown assailants stabbed the last remaining Serb in one village, a woman, in February. On February 18, a Serb man was found dead in Podujevo (Podujeva) with gunshot wounds to the mouth and eye and his identity card pinned to his chest. On March 11, the body of a Serb man was found near Gracanica Lake; he had been shot and killed. On April 3, the body of a Serb man was found, bound and shot, in Pristina. On May 16, police found the remains of Petar Topoljski, a Serbian UNMIK employee, following publication by the Pristina-based newspaper Dita of an article identifying Topoljski as a member of a Serb paramilitary unit (See Section 2.a.). On August 27, an 80-year-old Serbian farmer was shot and killed in Crkvena Vodica. On September 14, a Serb woman was shot and killed in her home in Kamenica. On October 4, the body of a 60-year-old Serb shepherd with gunshot wounds was found near Strpce (Shterpce) after he was reported missing. Assailants killed Serbs in incidents throughout the year in Gnjilane (Gjilan) district. In March and April alone, 60 Serb families there sold their property and departed for Serbia.

Serb children also were targeted. On August 18, 10 children were wounded by a grenade thrown from a passing car onto a basketball court in the Serb village of Crkvena Vodica. On August 27, a Kosovar Albanian intentionally ran over four Serbian children in two different villages, causing the death of one child and the serious injury of several others. On May 28, an ethnic Albanian male opened fire on a group of Serb men in front of a shop in Gnjilane (Gjilan), killing three persons, including a 4-year-old child (see Section 1.d.).

Serbs were also victims of beatings, grenade attacks, and arson. A total of 522 cases of arson were reported during the year.

In June local Serbs in Srbica (Skenderaj) allegedly attacked members of the Albanian Behrami family, killing two. In the village of Cubrelj (Cubrel), a group of Serbs killed two Albanians on June 12, the first anniversary of the conclusion of the NATO military campaign.

Other minorities were also victims of violence. In January unknown persons killed four members of a Bosniak family in Prizren. In April 15 Albanian men beat a 70-year-old Bosniak woman in Pec (Peja).

On April 3, unknown assailants kidnapped Metodije Halauska, an 86-year-old Czech man, from his home in Pristina, beat him, and shot him in the back of the head.

On January 12, four members of a family of Torbesh (Muslim Slavs) were shot and killed in their home by an unknown assailant in Prizren.

On May 24, an Albanian youth shot and wounded a Gorani woman in Pristina, reportedly because she did not speak Albanian. Minority communities in Prizren were subject to violent attacks, intimidation, and arson during the year.

On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war. Three members of an Ashkali family died in the Lipjan (Lipjan) area during the first week of August when a fire set off a grenade in their courtyard. It was not clear whether the grenade had been placed as a booby trap. In November in Urosevac (Ferizaj), unknown assailants murdered a 13-year-old Gorani boy and burned his body.

There were reports of the ethnically motivated murder of Roma by unidentified Albanians. Roma were targeted because they are perceived as Serb collaborators by ethnic Albanians. On March 4, unknown persons shot and killed a 50-year-old Romani woman in Gusica and then set her house on fire. On March 27, a Rom was found strangled to death in Istok (Istog). On April 19, in Pec (Peja) two unidentified men shot and killed a Romani man. In April the European Roma Rights Center reported that two Romani boys and a Romani woman were killed by unknown assailants in Pec (Peja). In August three Roma were killed and one was injured by a mortar bomb tied to their fence in Mali Alas, near Pristina.

Roma also were subject to beatings, harassment, and attacks on property. According to the European Roma Rights Center, on April 13, four armed men who rep-

resented themselves as members of the KLA, allegedly took a Romani man out of his house in Prizren, beat him, and threatened him. On May 17, an unidentified man beat a Rom in Trebovic. Numerous Roma were injured by hand grenades thrown at their houses. Unknown persons also burned Romani houses in Prizren, Gnjilane (Gjilan), Gorna Brnjica, Pec (Peja), Orahovac (Rahovec), and other cities.

The remaining Roma in Kosovo largely were settled in enclaves and encampments and were almost wholly dependent on humanitarian aid to survive. In Kosovo Polje (Fushe Kosove), Podujevo (Podujeva), Lipjan (Lipjan), and Gnjilane (Gjilan), there was some degree of harassment by neighboring Albanians, especially in the latter two towns. The UNHCR reported discrimination by Albanian hospital workers against Roma.

Civilians were responsible for the destruction, often through arson, of private property. There was a growing number of credible reports of violence and intimidation being used to force Serbs to sell their homes to Albanians at attractive prices. Of the approximately 120,000 homes damaged by Yugoslav and Serbian forces and paramilitaries from 1998 on, 50,000 houses were beyond repair and, despite the efforts of international organizations another 38,000 houses were not habitable (see Section 1.f.).

Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Serbs in the north of the province, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposavic, Zubin Potok, and Zvecan, and in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia to take care of personal business.

In Mitrovica Serb and Albanian Kosovars restricted each other's freedom of movement (see Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Ethnic Albanians who sought to return to their homes in the north were subject to violence and intimidation by ethnic Serbs, and about 1,500 who live in the northern section of town reported repeated harassment. For example, in April a group of Serbs set fire to 3 Albanian homes and damaged over 20 U.N. vehicles in north Mitrovica. Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from southern Mitrovica into the northern part of the town. Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. At the same time, ethnic Serbs, including some who owned property there, were unable to move freely in the southern part of the town without similar harassment from ethnic Albanians.

Politically, both Serbs and Roma made some progress. The Serbs in particular, through the Gracanica-based Serb National Council (SNV), participated in the JIAS organs and negotiated with the international community for increased assistance and programs in addition to more effective security.

Section 6. Worker Rights

a. The Right of Association.—Under Yugoslav law, workers had the right to join or form unions; however, in practice neither the official nor the independent unions were effective in protecting workers' rights. Applicable law, pending further agreed regulations and legislation, is that in effect in March 1989, when labor and employment law reflected socialist structures inappropriate to and unenforceable in existing conditions. In creating the JIAS Department of Labor and Employment, UNMIK included in its responsibilities policy recommendations on labor practices and the rights of workers and recognized labor as one element of an eventual tripartite commission but made no mention of a specific right of association.

After the war, labor organizations, which had focused during the 1990's on members' welfare, redirected their focus to traditional labor issues. The dominant group, the Confederation of Independent Trade Unions of Kosovo (BSKP), was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990's. Its current president is a member of the KTC.

With most Albanians unemployed during the period under Milosevic, the BSKP focused more on assisting its membership to survive than on collective bargaining. The organization is working with international entities, including the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU), to rebuild its membership and its collective bargaining ability. Other trade union organizations include the Independent Trade Union of Miners and the Union of Education, Science, and Culture of Kosova, a rival educators' union to the one

with membership in the BSKP. All three unions have expressed interest not only in participating in the drafting of labor legislation but also in the terms for privatization of state enterprises.

The ability of unions to affiliate internationally remains constrained in practice, although there are no legal impediments to their doing so.

b. The Right to Organize and Bargain Collectively.—While draft labor legislation includes the right to organize and bargain collectively, no applicable law currently specifically addresses this right. Collective bargaining is at a rudimentary level of development. The history of trade unionism was centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group. Thus, workers in various sectors were ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal benefits, etc.) on which to negotiate. Given the poor state of the economy and the high unemployment rate, wages other than those paid by international and nongovernmental organizations rarely are paid on time, and there is little possibility for negotiation by labor organizations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is prohibited by law and is not generally known to occur; however, the province served as a destination, source and transit point for trafficking in women and girls for the purpose of forced prostitution (see section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under labor law dating from before 1989, the minimum age for employment was 16, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial “retail” jobs, typically washing car windows or selling newspapers and small items such as cigarettes. With an unemployment rate in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur; however, girls are trafficked to, from, and through the province for the purpose of forced prostitution (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—After the withdrawal of Yugoslav forces and authorities in June 1999, there was no effective minimum wage rate, as Kosovar Albanians refused to recognize the Yugoslav-Serbian legal code. The unemployment level exceeded 60 percent, and the average wage paid to those who had work was insufficient to provide a decent standard of living for a worker and family. While many international agencies and NGO’s paid wages adequate to support a worker and family, UNMIK determined that wages for any jobs that eventually would be part of the province’s own governmental structure, even if funded by the international community at present, should be set at a level estimated to be supportable by the consolidated budget. Salaries under the Kosovo Consolidated Budget are barely enough to support a worker and a family.

Reports of sweatshops operating in the province are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health standards, and focused their efforts instead on economic survival.

f. Trafficking in Persons.—Trafficking is a serious and growing problem. Throughout the year, nothing in the applicable law, as defined by UNMIK Regulation 1999/24, provided an effective legal framework under which to address trafficking. The province was mainly a destination point, but it was also a transit point for women and girls trafficked for the purpose of forced prostitution.

UNMIK police raided several brothels and nightclubs throughout the year in Pristina, Pec (Peja), and Prizren, and found more than 50 women of Ukrainian, Moldovan, Bulgarian, and Romanian origin working as prostitutes under slave-like conditions. There were also reports of trafficked women from Albania, Belarus, and African countries. Security authorities also reported that women and girls are being smuggled through Kosovo to Macedonia, Albania, and Italy. Evidence suggested that trafficking in women was an example of a coordinated effort between ethnic Serbs and Albanians, like other areas of organized crime. There were several kidnappings and disappearances of young women who subsequently were not located. Some local sources believed that these women were the victims of traffickers in some cases, although there is no clear evidence that this was the case. Pristina and Kosovo Polje (Fushe Kosova) are major centers for trafficking. In November UNMIK and KFOR arrested 7 Kosovar Serb men for kidnapping and operating houses of prostitution; 12 Moldovan women were found and brought to a local NGO.

Women are recruited to work in cleaning jobs and are abducted and forced into prostitution. While some women were aware that they would enter the sex industry, they were not aware that they effectively would be imprisoned and unable to earn money. Trafficking victims have reported that they were subject to physical violence, rape, denial of access to health care, and confiscation of their passports.

Because prostitution is punishable under provincial law, women are often afraid to report their traffickers due to fear of arrest. In Mitrovica one woman who was believed to be a trafficking victim was convicted of prostitution. However, UNMIK police have been active in investigating and intervening in incidents of trafficking.

According to the IOM, the presence of a large international community that purchases sex services has contributed to the increase in the number of brothels that are involved in trafficking.

Several international agencies and NGO's established programs to assist the victims of trafficking with material support in returning to their countries of origin or homes, if they so wished. The IOM launched an awareness campaign directed at UNMIK, KFOR, and local men who purchase the services of women who were most likely to be trafficking victims.

MONTENEGRO

Montenegro, constitutionally a constituent republic (together with Serbia) of the Federal Republic of Yugoslavia (Yugoslavia), made progress in its efforts to build a multiparty, multiethnic, parliamentary democracy; however, a deeply rooted patronage system and corruption continued to be dominant features of political life. During the year, the Government increasingly was excluded from federal functions by then Yugoslav President Slobodan Milosevic. The Government remains minimally subordinate to Yugoslavia in foreign affairs and defense matters. Units of the Yugoslav Army (VJ) are stationed in Montenegro. President Milo Djukanovic was elected in 1997 and until the end of December headed a reform coalition, which won power in 1998 parliamentary elections that international election observers judged to be generally free and fair. Events during the year effectively steered the Government further away from the federal control of Milosevic's regime in Belgrade. Milosevic's attempts to deny Montenegro its constitutional voice in federal functions, in particular by closing Supreme Defense Council meetings to Djukanovic and by Milosevic's unilateral amendments of the Yugoslav Constitution on July 6, further undercut Montenegro's already weak role and authorities in the Federation. With Djukanovic's efforts to redefine Montenegro's relations with Serbia through political discussions rebuffed, Montenegro acquired a large degree of de facto independence, establishing its own currency, central bank, customs and diplomatic service, and an embryonic army. The Government respects the constitutional provisions for an independent judiciary in practice.

The republic police, under the authority of the Ministry of the Interior, has primary responsibility for internal security. However, the Yugoslav Second Army, which has federal jurisdiction in the republic and is under federal authority, not Montenegrin government control, made repeated attempts to usurp control over the civilian police. Some members of the security forces committed human rights abuses.

The economic transition from a state-owned to a market-based system encountered delays and resistance. The industrial sector remains largely in the hands of the republic Government and is very inefficient. The economy suffered further as a result of NATO's air campaign against Serbia in 1999 and years of sanctions and isolation, although the Government reported that the economy grew during the year. Official unemployment remains significant, and rose to at least 42 percent, but a large unofficial economy provides jobs for much of the officially unemployed. Economists estimate that actual unemployment averages 22 to 23 percent. At the same time, the Government's budgetary shortfall grew as it raised the minimum wage and strove to pay pensions on time to ensure social peace. The anticipated budget deficit during the year was expected to approximate the amount of assistance provided by foreign donors. Gross domestic product (GDP) per capita (including the unofficial economy) was forecast at \$935 for the year.

The republic Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were a number of political killings, including at least one allegedly linked to Milosevic and another linked to a VJ-supported paramilitary group. Police and VJ troops abused persons, and VJ troops harassed and intimidated citizens. VJ troops and Montenegrin police were responsible for numerous arbitrary arrests and detentions. Montenegrin police reportedly infringed on citizens privacy rights. Both republic and federal authorities restricted freedom of speech and of the press in some areas. Both VJ troops and Mon-

tenegrin police restricted freedom of movement. Violence and discrimination against women are problems. Discrimination against religious and ethnic minorities continued to be a problem. There were reports of harassment and intimidation of Muslims in the Montenegrin Sandzak region by paramilitary groups linked to the VJ. Trafficking of women and girls for the purposes of forced prostitution continued to be a problem; both federal and Montenegrin authorities allegedly are involved in such trafficking.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings by agents of the republic Government; however, political killings occurred. On May 31, one of President Djukanovic's closest advisers, Goran Zugic, was shot and killed in front of his home in Podgorica by unknown assailants. No one claimed responsibility. The killing widely was considered to be the result of orders from of Milosevic; however, according to some accounts, Montenegrin criminal circles may have been responsible. There was no conviction in the case by year's end.

Paramilitaries who served in Kosovo, Bosnia, and Croatia and who were subordinated to the Yugoslav Army in Montenegro were a threat to the Djukanovic Government until Milosevic's downfall. There were widespread fears that Milosevic could order these forces to destabilize Montenegro at any moment. The paramilitaries, largely members of the Seventh Military Police Battalion, in one instance, killed a Montenegrin policeman outside a Podgorica bar on the eve of the September federal elections.

In August Milenko Vujovic, a friend and business colleague of President Djukanovic's brother Aleksandar, was shot and killed in Herceg Novi. While the crime apparently was motivated by money, some accounts alleged that the killing was politically motivated.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel forms of punishment; however, Montenegrin police reportedly at times abused persons. A member of the radical Yugoslav Left (JUL) party (founded by Milosevic's wife Mira Markovic) claimed that he was beaten by the Montenegrin police after being arrested for allegedly defacing public buildings in Podgorica on the eve of the September 24 federal elections. Other members of JUL complained of being detained without explanation and abused up by the police in Herceg Novi for putting up pro-Milosevic posters during the federal election campaign. In October masked assailants beat a member of a pro-Serbian political party. The police never located the assailants, and the Minister of Interior declined to appear before Parliament to discuss this or the previous incident in Podgorica. In Niksic police arrested and beat members of a local gang. After the arrests, police imposed a near blockade of the city in an effort to catch other members of the gang.

The VJ's Seventh Military Police Battalion—known for its fierce loyalty to Milosevic—intimidated citizens and created a climate of fear. VJ troops reportedly beat religious worshippers early in the year (see Section 2.c.). Members of that battalion also harassed and intimidated Muslims in the Sandzak region. In June battalion members entered Bijelo Polje (a town in northern Montenegro with a large Muslim population) in armored vehicles to "inspect" the town's center. At about the same time, members of this unit surrounded the police station in Berane (another multiethnic northern Montenegrin town) to underscore their demands for the release of a colleague who was arrested the night before in a drunken brawl. Members of this unit reportedly engaged in similar activities in October in the towns of Kolasin, Danilovgrad, and Mojkovac. In Plav, a northern town with a large ethnic Albanian population, members of the Seventh Military Police Battalion reportedly regularly engaged in live fire practice near the Albanian quarter.

In August VJ troops opened fire on a truck that failed to stop at a checkpoint near Bar. The driver managed to escape without injury.

The Yugoslav Army held major exercises in areas adjacent to the Montenegrin capital before and during the June 11 local elections and the September 24 federal elections. These maneuvers and aggressive VJ patrolling of major tourist areas during the height of the tourist season were intended to intimidate the Djukanovic regime and its supporters.

On June 15, gunmen reportedly linked to Milosevic's regime attempted to kill Vuk Draskovic, the leader of one of the principal opposition parties in Serbia, when he was vacationing at his apartment in Budva on the Montenegrin coast. Draskovic

had survived a car accident in October 1999 that many believe was staged by the Serbian Security Service. There was no conviction in the case by year's end.

Prison conditions reportedly meet prisoners' minimum needs, but problems remain.

The Government generally permits prison visits by human rights monitors, including the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention or Exile.—The law prohibits arbitrary arrest and detention; however, at times Montenegrin police arbitrarily arrested and detained persons, and the Yugoslav Army on occasion also arbitrarily detained and arrested individuals.

For example, in early February VJ forces arrested and detained two Montenegrins accused of desertion and draft evasion. In July VJ personnel arrested four Dutch, two British, and two Canadian citizens near Montenegro's borders with Serbia and Kosovo. All were charged with espionage. The British citizens claimed they were beaten by the police and nearly lynched by VJ soldiers. Following Milosevic's removal, all were released, and the charges against all eventually were dropped by the federal authorities.

The Montenegrin police harassed citizens by applying traffic laws selectively, based on the individual's political preferences. In at least one instance, police stopped a political opponent and known critic of Djukanovic, removed his license, and confiscated his vehicle for a minor traffic violation.

Forced exile is prohibited and is apparently not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary and the Government generally respects this provision in practice. The judiciary provides citizens with a fair judicial process; however, a backlog of cases, a lack of resources, and corruption remain problems. Furthermore, the judges are poorly paid patronage appointees. However, the Minister of Justice promotes legal reform actively and has made some progress in reforming the Criminal Code. The court system consists of local, district, and supreme courts at the republic level. There is also a military court system under the control of federal authorities.

The Constitution provides for the right to a fair trial and, according to most observers, the judiciary makes an effort to enforce this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices; however, police reportedly used surveillance and eavesdropping against members of the pro-Milosevic opposition Socialist People's Party, who charge that the Djukanovic Government both wiretaps their telephones and opens their mail. The intelligence service of the Yugoslav Army carries out electronic surveillance of key Djukanovic government telephones. The public dissemination of Yugoslav intelligence intercepts of cellular telephone conversations of Western diplomats in May made clear that the Yugoslav security service possesses and uses this capability.

In November 1999, the Montenegrin assembly passed a law granting general amnesty to persons who evaded the draft from June 1998 to June 1999. All persons reportedly received amnesty out of an expected 14,000.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the republic Government and the federal authorities restricted this right in some areas. Media and information laws do not protect the press; to a large extent libel laws discourage a free press.

The print media is not independent. Djukanovic effectively controls the print media, with the exception of the opposition daily, *Dan*, as well as the State public broadcasting station, Radio/TV Montenegro. A small, moderate, and pro-Yugoslav party that belongs to Djukanovic's coalition credibly charged that Djukanovic uses the media to promote independence sentiment while not permitting his coalition partner to make the case for remaining in a democratic Yugoslavia. However, during the year, the Government continued to take steps to encourage independent radio media by allocating more frequencies to independent radio stations and reducing the fees charged to them.

Lack of professionally trained staff, low professional standards, and lack of funds all hinder the development of an independent media.

Under Milosevic the Yugoslav federal authorities failed to respect the basic principles of freedom of the press in Montenegro. In early spring, the federal authorities, in conjunction with officials of the extreme left Yugoslav Left (JUL) party, set up transmitters on Yugoslav Army communications sites in Montenegro. They began broadcasting pro-Yugoslav, anti-Montenegrin propaganda (the so-called YU-INFO TV) despite a federal law that delegates to each republic the responsibility to allo-

cate broadcast frequencies. YU-INFO TV still was broadcasting in Montenegro at the end of the year. Subsequently in August, the Milosevic regime established a studio in a Yugoslav Army facility in downtown Podgorica that used military transmitters to rebroadcast pro-Milosevic programs produced by Serbian TV (RTS). These actions were taken without consultation with the Montenegrin authorities.

In late summer, the Federal authorities also disconnected Montenegrin TV from the Serbian cable network in Vojvodina's capital city, Novi Sad.

Books expressing a wide range of political and social viewpoints are available, as are foreign periodicals and other publications from abroad. However, the supply is limited due to the economic situation and the relatively small demand.

Academic freedom generally is respected, although faculty and students at Podgorica University, who favored the Belgrade regime or the preservation of the Federation, were reluctant to discuss political matters as tensions grew between Montenegro and Serbia.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right. On the Serbian New Year in mid-January, the Government permitted a large opposition gathering to take place but had large numbers of police standing by. In February the police broke up a small opposition rally when the demonstrators appeared to be moving on the main government building. The opposition held rallies without problems during the June and September local and federal election campaigns, respectively.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution specifically recognizes the existence of the Serbian Orthodox Church, but not other faiths. The Montenegrin Orthodox Church lost its independence after the First World War, becoming part of the Serbian Orthodox Church, and was only recently re-established. The re-established Montenegrin Orthodox Church is registered with the Government of Montenegro Ministry of Interior in Cetinje, the former capital, as a nongovernmental organization (NGO). The Government of Montenegro has been careful to remain neutral in the dispute between followers of the Serbian Orthodox Church and Montenegrin Orthodox Church, but political parties have used this issue in pursuit of their own agendas. Pro-Serbian parties strongly support moves for the establishment of an official state religion, while proindependence parties have pushed for the official recognition of the Montenegrin Orthodox Church.

Tensions between the unofficial Montenegrin Orthodox Church and the Serbian Orthodox Church worsened during the year. Violence allegedly broke out between members of the Montenegrin Orthodox Church and of the Serbian Orthodox Church in late 1999 when on November 21, 1999, Father Dragan Stanisic of the Serbian Orthodox Church reportedly hit Montenegrin Orthodox Metropolitan Mihajlo in the face during a confrontation on a road near Cetinje. According to press reports, Father Stanisic's followers then attacked Mihajlo's car, although Stanisic denies that the incident ever occurred. Approximately 250 persons demonstrated to protest the incident in Cetinje, and authorities summoned riot police and reinforcements to prevent further incidents.

The rift between the churches was highlighted again in January when a Serbian Orthodox priest delayed the traditional Christmas celebration by calling on the audience to leave the hall because Montenegrin Orthodox Metropolitan Mihailo was present. Police reportedly had prevented a parallel Montenegrin Orthodox celebration from taking place in a separate location in the town on the same day. The Serbian Orthodox Church then publicly protested the Government's tolerance of the Montenegrin Orthodox Church.

The Djukanovic Government sought to defuse tensions between the churches. However, there were reports that Yugoslav paramilitaries exacerbated such tensions. For example, in Niksic early in the year, several members of the Seventh Military Police Battalion reportedly intimidated a Montenegrin Orthodox priest in his church and beat several of his parishioners. On another occasion, Serbian nationalists near the former capital city of Cetinje beat up a Montenegrin Orthodox priest on his way to a church gathering, prompting retaliation from his supporters.

The Montenegrin Orthodox Church has claimed holdings of the Serbian Orthodox Church in Montenegro. The Serbian Orthodox Church remains the dominant faith in Montenegro and has rejected the property claims.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The republic Constitution provides for freedom of movement, and the

Government generally respects this right in practice; however, the establishment of numerous police checkpoints that carried out document checks restricted this right.

The Yugoslav Army restricted this right even more seriously. Army checkpoints close to the borders with Albania and Bosnia limited movement by residents. In the Herceg Novi, Niksic, and Pljevlja areas, VJ restrictions on freedom of movement in border areas generated antimilitary demonstrations and intervention by the republic's political authorities. However, these restrictions were not eased until the defeat of the Milosevic regime in Belgrade.

There was no official mechanism by which refugees or foreign nationals could establish residency. A new citizenship law was passed in 1999. The new law, while stringent in its requirements, provides a legal and equitable means for persons to acquire Montenegrin citizenship.

The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR). The UNHCR reports that an estimated 60,000 refugees and internally displaced persons live in the republic. The large influx of Albanian refugees from Kosovo largely has returned to Kosovo; however, a smaller but significant number of Serb and Roma refugees from Kosovo have replaced them. Conditions for refugees vary; those with relatives or property in the country have been able to find housing and in some cases employment. Roma refugees, on the other hand, live mostly in collective centers, with little or no access to health care or education.

In September before the Yugoslav federal elections, Serbian Minister for Refugees Bratislava Morina promised financial aid for Serbs and Roma from Kosovo in what was perceived by observers to be an attempt to influence voters in favor of Milosevic.

There were no reports of the forced return of persons to a country where they feared persecution during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Montenegrin Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice with respect to republic institutions, but not with federal-level institutions. In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair. The republic government invited the Organization for Security and Cooperation in Europe (OSCE) to observe both the presidential elections in 1997 and the parliamentary elections in 1998, which also were judged to be free and fair. The OSCE sent observers to monitor the June 11 local elections in Herceg Novi and Podgorica, and reported that these were well conducted. In Herceg Novi, Djukanovic's coalition was defeated by the pro-Milosevic opposition party. For most of the year, the Government enjoyed the support of a multi-ethnic coalition in the republic assembly.

President Milosevic dominated Yugoslavia's political system until he lost power in the September federal elections. He sought to consolidate his power at the federal level at the expense of Montenegro, and by manipulating power within the Federation, Milosevic effectively forced Montenegro out of the Federation's institutions while leaving it open to the Federal Government's charges that its actions violated Yugoslavia's Constitution. President Djukanovic did not participate in the September 23 federal elections and called for citizens to boycott them. The Montenegrin Parliament declared the July 6 amendments to Yugoslavia's Constitution, including one that allowed Milosevic to run for another presidential term, unconstitutional, and Djukanovic used this declaration as a basis for his decision not to participate in the elections. The Government did not impede voting and some 600 polling stations were set up in private homes, Socialist People's Party (SNP) offices, Serbian firms, and VJ establishments. However, overall voter turnout was low.

Despite the Montenegrin Government's legal rights under Yugoslavia's Constitution, federal authorities under Milosevic's control continued to refuse to recognize the 20 Montenegrin members delegated to the upper chamber of the Federal Assembly by the Montenegrin Parliament. The Montenegrins in the federal body, including the Speaker of the upper house, were not changed to reflect the results of 1998 Montenegrin parliamentary elections. Moreover, in violation of past practice, Milosevic installed Momir Bulatovic as Federal Prime Minister, ignoring the Montenegrin Government's desire to have a voice in the selection of the federal Prime Minister. Milosevic's control over the federal courts was demonstrated when the Federal Constitutional Court ruled against the Montenegrin Government in 1999 in disallowing the Montenegrin authorities' attempt to select all 20 Montenegrin representatives to the Federal Assembly's Chamber of the Republics. The ruling was a reversal of a 1993 decision, which allowed Milosevic's ruling coalition in Serbia at the time to

name all 20 Serbian representatives to the upper chamber while he was the President of the Serbian republic.

There are no legal restrictions on women's participation in government and politics; however, they are underrepresented greatly in party and government offices. There are no female ministers in the Government, and there are only five deputy ministers and three Members of Parliament. However, a woman plays a key role in the presidency of Djukanovic's ruling Democratic Party of Socialists.

No legal restrictions affect the role of minorities in government and politics; however, they are underrepresented and ethnic Montenegrins and Serbs dominate the republic's political leadership. Ethnic Albanians participate in the political process, and their parties, candidates, and voters participated in the 1997 and 1998 elections. Ethnic Muslims also participate. Albanians and Muslims followed Djukanovic's call to boycott the September 24 federal elections. The area of the republic primarily inhabited by ethnic Albanians was established as a separate voting district in the 1998 parliamentary elections and, in proportion to the region's population, five representatives were elected to the Parliament from the district. Ethnic Albanian parties captured two of the seats, with the multiethnic program of the pro-Djukanovic Coalition capturing the other three seats. Several ministerial and deputy ministerial positions in the coalition government are held by ethnic Albanians and Muslims.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operate without government restriction, and republic officials generally are cooperative and responsive to their views. Local NGO's include the Montenegrin Helsinki Committee, the Center for Democracy and Human Rights, and S.O.S., a support group for abused women and children. In addition the Montenegrin Government's pledge to cooperate with the ICTY continues. The Chief prosecutor visited the country in August.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

While federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religion, or social status, and prohibit discrimination against women, in reality the legal system provides little protection to such groups.

Women.—The traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities.

The country served as a transit point for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women do not enjoy status equal to men in the republic, and few women hold upper level management positions in government or commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. However, women legally are entitled to equal pay for equal work and 12 to 18 months of maternity leave. They are active in human rights and women's organizations.

Children.—The Government attempts to meet the health and educational needs of children, but insufficient and inefficient resources impeded this goal. The educational system provides 8 years of mandatory schooling. When IDPs began arriving from Kosovo in 1998, the republic government initially refused to extend this educational benefit to Kosovar Albanians. However, after having consulted with and received promises of assistance from international organizations, the Government announced late in that year that displaced children soon also would be allowed to attend school. Although ethnic Albanian children have access to instruction in their native language, the Government came under criticism for not also developing a curriculum in which ethnic Albanians could learn about their own culture and history. This situation reportedly remains unchanged. Most Roma child refugees from Kosovo do not receive any education.

There is no societal pattern of abuse of children.

The country served as a transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

People with Disabilities.—Facilities for the disabled are inadequate. The law prohibits discrimination against the disabled in employment, education, or in the provi-

sion of state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities.—Religion and ethnicity are so closely intertwined as to be inseparable.

With the exception of tensions and incidents of violence (see Section 2.c.) between the Serbian Orthodox Church and Montenegrin Orthodox Church, relations with and between religious minorities are generally peaceful. Catholic, Muslim, and Orthodox communities coexist within the same communities and often use the same municipally owned properties to conduct worship services.

Seventh-Day Adventists and members of Jehovah's Witnesses are officially registered religions in the republic. However, their followers report that their efforts to build and renovate church buildings have been impaired by persons they believe to be loyal to the local Serbian Orthodox Church.

Ethnic Minorities.—In 1999 the Government began a pilot program in ethnic Albanian communities, which devolved extensive authority, including taxation, to locally elected officials. An Albanian Democratic Union member also was appointed to the post of Minister of Minorities to ensure that equal representation and opportunities would exist for all ethnic groups. Members of the ethnic Albanian and Bosniak (ethnic Muslim) minorities are represented in the cabinet. However, societal discrimination against minorities exists. Harassment and intimidation against Muslims in the Sandzak region by Serbian nationalists and VJ troops continued (see Section 1.c.).

In the week prior to the September 24 federal elections, there were reports that several hundred Bosniaks and ethnic Albanians from Montenegro left the country for Kosovo or Bosnia. There were no direct reports of violence or intimidation, but several families reported that they left because of an increase in military conscription and an increased military presence. Most of the families were able to return home within 1 week.

There is no official discrimination against the Romani population; however, prejudice against Roma is widespread. Local authorities often ignore or condone societal intimidation of the Romani community.

Section 6. Worker Rights

a. The Right of Association.—All workers except military and police personnel have the legal right to join or form unions. Most if not all of the workforce in the official economy is organized. Both official, government-affiliated unions and independent unions exist. Because the independent labor movement largely is fragmented and access to international labor organizations is limited, there have been few tangible results in the form of improved working conditions or higher wages.

Unions may affiliate with international labor organizations.

b. The Right to Organize and Bargain Collectively.—This right is provided for under law, but collective bargaining remains at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally center on advancing the needs of a specific group of workers. Job security fears prevail, as a result of the high unemployment rate, and these fears limit the groups' militancy.

One factor impeding the collective bargaining power of the workers was the weak economy, in which high unemployment gave employers the upper hand in setting wages and work conditions, as workers competed for whatever jobs existed.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the republic served as a transit point for trafficking in women and girls for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The official minimum age for employment is 16 years, although in farming communities, it is not unusual to find younger children assisting their families. Moreover, children can be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes. The high unemployment rate ensures that there is little demand for child labor in the formal sector. Forced and bonded labor by children is prohibited by law and generally is not known to occur; however, girls are trafficked through the republic for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—Large government enterprises, including all the major banks, industrial, and trading companies generally observe the minimum wage standard, which is \$47 (94 DM) per month. However, this figure is comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage is approximately \$175 (350 DM) per month, with a disposable average

wage (after social contributions and payroll taxes) of approximately \$90 (180 DM) per month. This amount is insufficient to provide a decent standard of living for a worker and family. Data for 1999 (latest available) suggests that households spent almost all of their resources on basic needs, such as food, clothing, and housing.

The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In view of the competition for employment, and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons.—The law specifically forbids trafficking in persons; however, in practice trafficking is a growing problem and traffickers rarely are prosecuted. However, traffickers arrested in the spring during police raids on a brothel were prosecuted. The country is a destination and transit country for trafficked women and children. Women are trafficked from Romania, Ukraine, Moldova, China, and Russia, often through Belgrade and on to Western European countries and Kosovo. Trafficking has increased since the 1999 war in Kosovo, and Italian police weekly intercepted illegal immigrants from Montenegro. Many of these immigrants reported being victims of a trafficking scheme, some of whom were charged as high as \$1,500 (DM 3,000) to be transported. This included a large number of women and girls who were trafficked to other parts of Europe for prostitution.

Trafficked women often respond to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may be aware that they are going to work in the sex industry, they are unaware of the slavery-like conditions they may face. Many women are sold several times in different countries to nightclub owners. Their passports often are confiscated. Women have reported being beaten and raped by their traffickers.

The International Helsinki Federation reports that police and local authorities do little to stop trafficking and are often clients of nightclubs that keep trafficked women as prostitutes. Women found during police raids of bars and nightclubs during the year often were prosecuted for prostitution and deported. In some cases club owners were arrested and prosecuted for enabling prosecution; however, their sentences are generally short. The Government as a rule repatriates victims, but does not provide any other services, and there are no victim protection programs.

A small number of NGO's work on trafficking. There is at least one shelter for victims. Awareness of the problem is low.